

161. THE
CASE and APPEAL
OF
JAMES ASHLEY,
OF
BREAD-STREET, LONDON:

Addressed to the
PUBLICK in GENERAL.

IN RELATION TO

- | | |
|---|---|
| I. The apprehending HENRY SIMONS, the <i>Polish Jew</i> , on a Warrant issued out against him for <i>Perjury</i> . | III. His Second Trial, at the subsequent Assizes, for the same Offence, and SURPRISING ACQUITTAL. |
| II. His Trial, and Conviction of a <i>Capital Misdemeanor</i> , last Lent-Assizes, held at <i>Chelmsford</i> for the County of <i>Essex</i> . | IV. An Action brought, and the cruel Verdict obtained, against the said JAMES ASHLEY, and others. |

Interpersed throughout with many *very uncommon*
PARTICULARS.

Thou shalt not bear false Witness against thy Neighbour.—If a false Witness rise up against any Man, to testify against him that which is wrong:—Then shall ye do unto him, as he had thought to have done unto his Brother. PENTATEUCH.

To which is prefixed,
A CURIOUS PRINT of the *Person and Dress* of the
said HENRY SIMONS.

L O N D O N :

Printed for, and Published by, the APPELLANT; and sold at the *London Punch-house*, on *Ludgate-hill*; at the *Brandy Warehouse*, in *Bread-street*; and by the *Booksellers* in Town and Country. M DCC LIII.

[Price Six-pence ONLY.]

W. Musgrave.



P R E F A C E.

To the PUBLICK in General.

THOUGH I have already sustained very great Trouble, much unjust Censure, and heavy Expences, and now labour under the additional aggravated Circumstances of a most uncommon *Verdict*, obtained against me for TWO HUNDRED POUNDS, on no other Account, directly or indirectly, than being instrumental in apprehending, and taking up, *Henry Simons, a strolling Jew*, on a publick Warrant, then in force against him for *wilful Perjury*, and detaining him in Custody about *Thirteen Hours*, in a seemingly illegal Manner, by reason of an undesigned Mistake in the said Warrant; yet I think myself still obliged, for the Sake of *Truth, Reputation, and publick Justice*, to be at the farther Trouble and Expence, of laying before my worthy Fellow-citizens and Countrymen the following Narration.

In an *Appeal* thus offered, I am perfectly conscious, that my Endeavours to excite their Consideration by the Force of Language, or to divert their Attention from *Facts* by any mean or artful Attempts to operate on their Passions, is not what I pretend to be capable of; and indeed it would be unnecessary and vain; for *Truth*, however depressed, will force its Way against every Opposition: *FACTS*, which are the most stubborn Things in Nature, however eclipsed for a while, will throw off the Gloom, and render themselves at last *conspicuous*: It is therefore, with the utmost Deference, I beg Leave to submit every Part of the following Case wholly to the *impartial Decision of the Publick in general*; to determine either *for or against* me in a Variety of *alarming* Circumstances, and one in particular of a very *national* Concern, *that of a New Trial granted to a Person, after having been fairly tried and convicted of a Capital Misdemeanor*. For, if such kinds of Combinations and Evidence, as herein appears, are suffered to pass over in Silence, and with Impunity, Where is the Citizen, however innocent, where is the man, however just, whose Liberty, Fortune, or Character, may not, sooner or later, become a Prey to the same *nefarious*

Proceedings? It is in Defence of *Truth*, naked as the open Day-light, in which I am determined to persist; TRUTH, undisguised from false Evidence, sophistical Eloquence, or the wicked Contrivance of confounding Facts; such as blending my legal Indictment against *Henry Simons* the Jew, with other Circumstances no-ways relative to me, or to the Crime for which *Henry Simons* was indicted; and to shew the Irrationality (to give it no worse Epithet) of some subsequent Proceedings to my getting *Henry Simons* apprehended for Perjury, and his trickingly conveying *Three Ducats*, in a juggling Manner, into my Pocket.

On the Acquittance of *Joseph Goddard*, a Warrant was granted against the said HENRY SIMONS on an Indictment for Perjury, when he fell in my Way, as I was returning from *Chelmsford* to *London*, on the 6th of *October*, 1751; at which Time seeing a Person passing on Foot along the Road, leading from *Stratford* to *Ilford*, who was dressed in an uncommon Habit, it attracted my Observation; and, notwithstanding it was then almost dark, I soon perceived, that the Person was the said *Henry Simons* the Jew, all alone, whose Garb and Person I well remembered, from the Time that *Joseph Goddard* surrendered himself to Justice; and, being convinced that the Jew was escaping out of the Kingdom, I the next Day acquainted Mr. *Ford* where I had seen him, (because Mr. *Ford* had been employed as Solicitor for *Joseph Goddard*) who, upon the Information I gave him, shewed me a Warrant, under the Hand and Seal of Alderman *Gascoyne*, against the said *Henry Simons* for Perjury; at the same Time requesting me to accompany his Clerk in Pursuit of the said *Henry Simons*, and promised to repay me all Expences I might be put to on this Occasion: But, as I had observed the Warrant was only marked *London*, I objected, that it would be of no Force in *Essex*: Whereupon Mr. *Ford*, as a greater Inducement for me to accompany his Clerk, marked the Words *Essex and* in the Warrant; so that it was then “*Essex and London, to wit,*” whereby the Warrant appeared to be in Force both for *London* and *Essex*; and Mr. *Ford* also acquainted me, That Mr. *Gascoyne* was a justice of the peace for the county of *Essex*; which I had some Reason also to believe, from his being a Verdurer of *Epping Forest*, and having a great Estate in that County: Whereupon I con-

sented

sented to accompany Mr. *Ford's* Clerk in Pursuit of the Jew; which I solemnly declare, I should not have done, if I had entertained the least Opinion, that the Warrant was in any-wise deficient. Upon this Warrant *Henry Simons* was apprehended, and detained all Night in Custody, before it was discovered, Alderman *Gascoyne* was not in the Commission of the Peace for the County of *Essex*; and for this *Mistake*, in a mere Point of Form, and detaining the said HENRY SIMONS about *Thirteen Hours* in Custody, before the Warrant was properly backed by a Justice of the County, an Action was brought, a Suit commenced, and a VERDICT obtained against me and other Persons for Two HUNDRED POUNDS DAMAGES.

Now, is it at all to be imagined, that a Man, unacquainted with the intricate Nature of some of our Laws, should apprehend, that any material Point could arise in regard to the Legality of a Warrant, publickly issued out against an Offender to the Law, in order to prevent his escaping out of the Kingdom, because the Warrant was not properly backed as to the particular County and Magistrate? Was it not more natural for such a Man to conclude, that whoever, on the Face of a Warrant, appears to be a Villain, ought, lest he escape as a Villain, to be seized in whatever Part or Place of the Kingdom he should be found? In such a Case, what would other Men have done, especially as the identical Person, against whom the Warrant was so issued out, was there on the Spot? Surely their Conduct would have been similar to mine, though such *Integrity to the Community might be afterwards punished as Iniquity*? And was such a Mistake to be as rigidly enforced against others, concerned in the Detection of Offenders, as it has been against me, *would it not prove one of the greatest Encouragements to all Kinds of Villainy that could be imagined*? And, by way of Revenge on me, for only being thus instrumental in an Act of Publick Justice, the Taking-up of the said *Henry Simons*, an immediate RESOLUTION was entered into by some PARTICULAR PERSONS to destroy me, if possible, by every malignant ART and invidious FALSEHOOD; and no leis than NINE of the most eminent Counsel in the Kingdom at the Bar were, at any Expence, retained to oppose my Defence, and compleat my Ruin: And, where the *Purses of many opulent as well as malicious Persons are opened, on such*

an Occasion, against one private Man, it is, from fatal Experience in my particular Case, but too easy to conceive where the Balance will naturally preponderate; more especially, if manifest Perjury shall appear to have been combined with every other Contrivance and wicked Art, purely to baffle and confound Truth, so far as even to deceive a whole Court of Justice. Surely any reasonable Man would imagine, that the Verdict, given against Simons on my Indictment, ought to have remained sacred to this Hour, as it was in due Form of Law first recorded in Court: And any second Oaths from the same Jury, in order to move for a second Trial, in Opposition to such first VERDICT recorded, must appear alike astonishing and unprecedented.

In consequence of all this I am constrained to apply myself for PUBLICK Determination, and thus to vindicate myself, which every Man, from the Laws of God, Nature, and civil Society, has a just Right to, when oppressed with any uncommon Grievance of this Kind: And I the more so, because not only my Character among Strangers in particular has been shamefully and most wrongfully traduced, but even my LIBERTY and LIFE itself most notoriously struck at; if the Oaths and Conspiracies of some ill-minded Profligates could have effected it. For with the immortal *Shakespear* — *Good Name in Man and Woman is the immediate Jewel of their Souls; Who steals my Purse steals Trash; 'tis something, nothing, 'twas mine, 'tis his, and has been Slave to Thousands: But he that filches from me my Good Name, robs me of that which not enriches him, and makes me poor indeed.* — OTHELLO.

It may be perhaps not amiss for all seriously to observe, That the *Jews*, who swore on the Trials of *Henry Simons*, were not sworn in the usual solemn Manner in which they swear one among another, *upon the Horns of their Altar*; wherefore they might suppose that they were not sworn so as in point of Conscience to be bound to speak the *Truth* only, or to strike a sacred Awe in them in a *Christian Court*. The whole, therefore, is once more most earnestly submitted to the Publick in General, by their

Bread-street, London,
8th Febr.



Humble Servant,

JAMES ASHLEY.

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THE

T H E
C A S E and A P P E A L
O F
J A M E S A S H L E Y.

SECT. I. The account of Henry Simons's being apprehended for wilful and corrupt perjury.

IN my narration, some time ago addressed to the publick, I set forth my reasons for apprehending Henry Simons, on a warrant for perjury; which appears by the evidence given on the first trial of Henry Simons at Chelmsford, which may be seen in the copy thereof herein after recited: it also sets forth in what manner the said Henry Simons was apprehended, and secured: likewise how he artfully and fraudulently put three ducats into my coat-pocket, with an intent, as now but too clearly appears, to charge me with a robbery: to which narration and trial I beg leave to refer for the farther particulars; my design being in this place only to set forth some previous transactions to my preferring a bill of indictment against the said Henry Simons, for assaulting me at Chelmsford, and putting into my pocket the three ducats.

Henry Simons, being apprehended in Essex, was, by the direction of a justice of that county, conducted to Chelmsford, where the justices were then sitting at their quarter-sessions, who directed the constable to carry the said Henry Simons to London, where he was committed to prison by justice Fielding, on the before-

mentioned charge of perjury. I was then advised to cause a warrant of detainer to be lodged against him; on which the friends of the said Henry Simons bailed him for the perjury, but let him remain a long time in prison before they bailed him on the said detainer, with a view, as is since evident, to aggravate what they pretended to lay to my charge for apprehending him, and enhance the damages, they expected to recover for his protracted confinement.

In the mean time the friends of the said Henry Simons caused many false, unjust, and scandalous paragraphs and advertisements to be inserted and published in several news-papers: upon which account I was advised to publish the following affidavits, to set the affair in a true and proper light, which I accordingly did as follows.

SECT. II. The affidavit of four persons who detected the said Henry Simons in putting three ducats into the pocket of James Ashley.

ISAAC HUBBARD, of Witham, in the county of Essex, innholder, one of the constables of the
B hundred

hundred of Witham aforesaid; Richard Taylor, of Boreham, in the county aforesaid, peruke-maker; Daniel Hughs, of Witham aforesaid, taylor; and Eleanor Brown, of Chelmsford, in the same county, cook, severally make oath, and say; and first the said Isaac Hubbard for himself saith, That he this deponent, on or about the 7th day of October last past, having received a warrant under the hand and seal of Crisp Gascoyne, Esq; one of his majesty's justices of the peace for the city of London, indorsed by the Rev. John Tindal, clerk, one of his said majesty's justices of the peace for the said county of Essex, dated the 27th day of September last, for the apprehending and taking into custody Henry Simons, for *perjury*, did soon after, in obedience of such warrant, take into his, this deponent's custody, the aforesaid Henry Simons, being then found within the said hundred of Witham, and brought him to Chelmsford aforesaid, in order to take farther directions concerning him from the justices then sitting, at the quarter-sessions for the said county of Essex. And this deponent saith, that, whilst the said Simons was so in custody, he, this deponent, did hear and see the said Henry Simons utter in bad broken English, and express himself by signs and motions, that James Ashley, of Bread-street, London, merchant, (who then being present) had robbed and taken from him the said Simons some money, mentioning ducats, and pointing to the said Mr. Ashley's pocket, and saying (you) meaning Ashley, had got his (gilt) meaning his money; which Mr. Ashley denying, desired and consented to be searched; upon which one Mr. Newman put his hand into Mr. Ashley's pocket, and took thereout a book and other

things; when Simons, observing that Mr. Newman was searching the left-hand of Mr. Ashley's coat, arose in haste from his chair, by his pointing, and, as well as he could, expressed himself in English, did declare that his money, gilt, or ducats, were not in the pocket which the said Mr. Newman was searching, but that such money was in the right-hand pocket of Mr. Ashley's coat, and that he was particularly positive of it: he the said Simons taking hold of such right-hand pocket, and saying words to this or the like effect, (that is to say) *It be here de Gilt, it be here in dis pocket*: upon which Mr. Ashley examined his right-hand pocket, and found therein three ducats in gold, (foreign coin) and which ducats this deponent doth verily believe were conveyed by Simons into Mr. Ashley's pocket, with a fraudulent design to injure him, *in swearing a robbery against him*, he the said Ashley having given information to the prosecutor of Simons where he was to be found, by which means he was taken; and the more so, Simons insisting so very strongly the ducats were in such right-hand pocket as aforesaid, and no other, and from divers other circumstances then appearing to this deponent.— And the said Richard Taylor for himself saith, That he being present at the time when Simons was in custody, did see him, the said Simons, as he was stooping down, take something out of his pocket very secretly and obscurely; that soon after the aforesaid Mr. Ashley came into the room, and went to Simons, in order to hear what he had to say to him, Simons having called for him, he, this deponent, perceived Simons feeling at Ashley's coat-pocket, and actually did see the said Simons put his hand into the left-hand pocket of Mr. Ashley's coat,

coat, upon which this deponent pulled or snatched Simons's hand from the same, asking him if he designed to pick the gentleman's, meaning Mr. Ashley's pocket: and this deponent really believes he then attempted to put the afore-mention'd ducats into Mr. Ashley's pocket, but was prevented by his, this deponent's hastily taking hold of his, the said Simons's hand; for that soon after this, the said Henry Simons calling to Mr. Ashley, desired to speak with him privately: accordingly Mr. Ashley went to him, but Simons speaking bad English, and then in a low voice, obliged Mr. Ashley to lean down to him, that he might the better understand what he said: and this deponent further saith, that while the said Mr. Ashley was thus listening to Simons, he, this deponent, did see the said Henry Simons put his hand into Mr. Ashley's right-hand coat-pocket, and sitting down, immediately charged (as well as he could in respect to language) the said Mr. Ashley with having his ducats, directly pointing to the right-hand pocket of Mr. Ashley's coat; whereupon this deponent doth verily believe, that the ducats found therein were put or conveyed there by the said Simons, at the time that this deponent saw his, the said Simons, hand in Mr. Ashley's right-hand pocket as aforesaid, and that the same was so put with an evil and fraudulent design.—And the said Daniel Hughs for himself saith, That he, this deponent, did assist the above-named Isaac Hubbard, in taking the said Henry Simons, and was with him all night, before brought to Chelmsford; that in the morning this deponent saw Simons selling over money, and saw in his hand three pieces of gold, about the size of half guineas, but of foreign coin, which he, this deponent doth

verily believe were the same pieces conveyed into Mr. Ashley's pocket; and by the said Simons himself, he, this deponent, seeing them taken from out Mr. Ashley's pocket, and they appearing to him to be the same which he had seen in Simons's hand the same morning; for that some time after the said Simons was searched very narrowly, and no gold was found about him, or any other money, except one shilling and nine-pence halfpenny, and no more.—And the said Eleanor Brown did see the said Henry Simons feeling of, and attempting to put his hand into Mr. Ashley's right-hand coat pocket, and that when Mr. Newman was examining Mr. Ashley's left pocket as aforesaid, heard the said Simons declare and point out, that his gilt, meaning his money, was in Mr. Ashley's right-hand pocket, by which she, this deponent, doth verily believe that the aforesaid ducats were actually put into Mr. Ashley's pocket by him, the said Simons, at the time she saw his hand in or near the pocket as aforesaid.—And lastly, they, the said Isaac Hubbard and Richard Taylor, for themselves severally say, That they were present with the said Daniel Hughs when Simons was searched, and that no part of his cloaths or bundles which he had about him was left unsearched, but so strictly examined, that they do believe no money or other thing whatsoever could be left therein undiscovered; and that no money of any kind was found about him, except the above one shilling and nine-pence halfpenny.—And that they do verily believe that the same three ducats as aforesaid, directed to be found in Mr. Ashley's pocket as aforesaid by Simons, were put therein by him, the said Simons; they really believing it impossible for him to be so exact in his directi-

on, unless placed or put thereby himself before.

Sworn before me, *Isaac Hubbard,*
 one of his majesty's justices of the peace for the county of Essex, Jan. 15, 1752. *Rich. Taylor,*
Daniel Hughs,
 The Mark of *Eleanor†Brown*

John Tindal.

SECT. III. Reasons shewing the necessity of indicting Henry Simons, for putting the said three ducats into my pocket.

THE friends of the said Henry Simons continually throwing out their threats, and menacing me, defying me to the farther proof of what was thus solemnly sworn by the before-recited affidavits; and irritating me publicly to vindicate my character, which I had till then declined; it was now become necessary for me to prosecute the said Henry Simons, as the only means I had left to clear

myself from false imputations. Accordingly, I preferred a bill of indictment against the said Henry Simons, at the quarter-sessions at Chelmsford, where the fact was committed: whereupon the bill was found, which, in the course of things, might have been *tried there before the justices in an expeditious manner, and with little expence*, if it had not been prevented by the friends of the said Henry Simons; who moved for and obtained a Certiorari to remove the said indictment into the Crown-office, and to have it tried at the Assizes: they also moved for a special jury, which was granted, and some of the principal gentlemen of the county of Essex were impanelled, and appeared on that jury, when the trial was brought on, and HENRY SIMONS *convicted of the crime laid to his charge*; as appears by the following copy of the trial, printed soon after, (without my being any ways concerned directly or indirectly) and the veracity of which was yet never called in question.

SECT. IV. The authentick trial at large of Henry Simons, a Polish Jew, for assaulting James Ashley, of London, Merchant, and putting into his pocket three pieces of foreign gold called ducats, with intent to charge him, the said James Ashley, with a robbery. Tried at the Lent-assizes at Chelmsford for the county of Essex, 1752, before the honourable Mr. Justice Forster.

HENRY SIMONS was indicted for assaulting James Ashley, of London, Merchant, at Chelmsford in the county of Essex, and putting into the pocket of the said James Ashley, three pieces of gold, called ducats, with an intent wickedly and maliciously to charge the said James Ashley with a robbery, October 8, 1751, in the 25th year of his present majesty, against the peace of our sovereign lord the king his crown and dignity.

The names of the jury.

John Morley, of Halstead, Esq;
 John Godsalve, of Gr. Baddow, Esq;
 Rob. Clarke, of Little Baddow, Esq;
 Daniel Stratton, of Bromfield, Esq;
 John Olmius, of Boreham, Esq;
 George Dodson, of Sherfield, Esq;
 Thomas Boregrave, of Great Baddow, Esq;
 John Hornby, of Ingatestone, Esq;
 Samuel Ruggles, of Bocking, Esq;
 Peter Godfrey, of Woodford, Esq;
 Poulton Allen, of Barking, Esq;
 Henry Hall, of Hutton-hall, Esq;
 The

The Jurymen's Oath.

You shall well and truly try, and a true verdict give, between our sovereign lord the king and Henry Simons, according to your evidence.

JAMES ASHLEY being called deposed, That he was present at an examination of the defendant Henry Simons, against Joseph Goddard, before Justice Chamberlayne, the 5th of September last, when the said Simons charged Goddard with robbing him, the said Simons, of 554 ducats, in Goddard's house at Cranford-bridge, in Middlesex; that Goddard was tried at the Old-Bailey in September sessions last for the same, and honourably acquitted; that afterwards a bill of indictment was found by the grand jury of the county of Middlesex against the defendant Simons, for wilful and corrupt perjury, in swearing his said information against Goddard before Justice Chamberlayne; that he, this witness, was out of town at the time this indictment was found, but was informed thereof; that on the 6th of October he, this witness, was coming to London from a journey, and between Ilford and Stratford, he saw the defendant Simons travelling on foot towards Ilford; that he crossed the road with his chaise on purpose to have a full view of him; that then this witness went on to London, without speaking to the defendant; that this was on the Sunday, and on the Monday he, this witness, went to Honey-lane-market, and recollecting that Mr. Ford was agent for Goddard, who lived just by, he went and informed him where he had seen Simons the Jew travelling; that Mr. Ford earnestly pressed this witness to take a warrant that Mr. Ford had in his hands against Simons for perjury, and pursue him, and Mr. Ford would send Mr. Newman, his clerk, with him;

that with great reluctance this witness consented, and Mr. Newman set out with this witness in a post-chaise that afternoon towards Harwich, believing that Simons was going out of the kingdom; that near Witham, in Essex, this witness was informed by a boy, to whom he described Simons, that he was not far before; that this witness encouraged the boy, who was on horseback, to pursue Simons, which he did, and presently after they came up with him, and took him, put him in a cart that was going to Witham, from out of which the defendant jumped, and ran, and endeavoured to make his escape, but was soon after retaken, and carried to Witham, where this witness delivered him, with the warrant, into the hands of Mr. Hubbard, the constable, who kept him all night; that the next morning they went with him before Justice Bragg, who said, that as the justices were sitting at Chelmsford, it would be better to carry him thither, which they did; but the justices there did not care to commit him, but advised this witness, and the constable who had charge of him, to carry the defendant to London; that they carried him to the Saracen's head in Chelmsford, and in the parlour there he observed the defendant, who sat in one corner of the room, to pull out a green purse, and tell some money; and that this witness thought there was some gold in it: after this the defendant desired to speak with this witness, who refused, and soon after went out of the room to see after a post-chaise, to carry them to London; that when this witness returned, Simons again desired to speak to him, which he consented to, and stooped down to hear what he had to say; but presently after this the defendant called out, *My gilt! my gilt! my gilt! my ducats in pocket*, and pointed to this wit-

witness's pocket; that this witness could not conceive what the defendant meant, and, putting his hand in his left-hand pocket, pulled out his pocket-book, and asked if that was his?—that the defendant cried out, *Ne, ne, not dat pocket, toder pocket*; that then this witness pulling his handkerchief out of his right-hand pocket, there dropped out a ducat, which much surprised this witness, who said, here is some of the man's money indeed, but how it came there he could not tell; that feeling in his pocket again, he found two ducats more among some walnuts that were in his pocket; that he, this witness, informed Alderman Gascoigne (who was at that time in the house) of what had passed, who ordered the defendant to be searched, but there was no more money about him than one shilling and nine-pence halfpenny; that he afterwards brought the defendant to London, who being carried before Justice Fielding, he was by him committed to New Prison.

On his cross-examination he was asked, if, when he met the defendant Simons, he did not speak to him, and pull out some ducats, or other gold, and shew them to Simons? Mr. Ashley said, he only crossed the road to look at him, but did not speak to him, or pull out any money at all; and that he never had seen a ducat in his life before those he pulled out of his pocket at Chelmsford, tho' he dealt for some thousand pounds a year.

He was asked, when he saw the boy near Witham, if he did not tell the boy, that the person he was in pursuit of was a highwayman, and that he had a warrant against him? Mr. Ashley replied, that the boy asked if he was a highwayman, and that he did not say he was not; but was sure he never said he had a warrant to apprehend him as a highwayman.

He was then asked, what was the motive that induced him to be so zealous in pursuing and apprehending Simons, as Simons had done him no injury? Mr. Ashley said, that it had appeared to him, that the defendant was a very bad man, and that he believed that he had charged Mr. Goddard wrongfully, in swearing that Mr. Goddard had robbed him, and therefore he, this witness, for the sake of publick justice, and no other motive, did endeavour to apprehend the defendant.

Being shewn a printed paper by the defendant's counsel, containing an introduction (signed James Ashley) and the affidavits of four persons, whose names were signed to their depositions, was asked, if the first was his name, and whether he did cause them to be printed and dispersed? he replied, that he did cause them to be printed and dispersed, but not with a design to prejudice Simons in the minds of the publick, but to satisfy the world who were in doubt concerning Goddard's innocence, after the Jew had been tried for the perjury in falsely swearing against Goddard, and acquitted through a mistake or neglect in the persons who carried on that Prosecution.

RICHARD TAYLOR deposed, That he was at the Saracen's head in Chelmsford at the time that Henry Simons was brought there by Mr. Ashley; that he did see Simons put his hand into Mr. Ashley's left-hand coat-pocket, and that he, this witness, pulled his hand out, and asked him, if he designed to pick the gentleman's pocket? that after this Ashley went out of the room, and when he came in again, Simons begged to speak with Mr. Ashley, to which Mr. Ashley consented, and the Jew speaking very low, Mr. Ashley stooped down to hear him; and

and while he was so slooping, he, the Jew, put his hand into the right-hand coat-pocket of Mr. Ashley, and then went and sat down; that presently after Simons cried out, *O my God! me robbed! me robbed!* and pointed to Mr. Ashley's coat-pocket; that then Mr. Ashley pulled out a pocket-book out of his left-hand coat-pocket, and asked, if that was his, the Jew's, who replied, *Ne, ne, ducats,* and pointed to the right-hand pocket! that Ashley then pulled out his handkerchief, and with it came out a piece of gold, and Simons cried, *Mine ducat, mine ducat;* that then Ashley pulled out two ducats more with some walnuts, and was in a great surprise; on this the Jew got up, and, as well as he could express himself, said, *Me rob, one great rogue cut me,* and pointed to his head and neck; that Alderman Gascoigne being in the house, the Alderman was acquainted with it, who ordered him to be searched, and there was no other money about him than *one shilling and six-pence in silver, and three-pence half-penny in halfpence.*

Being asked, if he knew to what purpose the defendant put his hand in Mr. Ashley's pocket? said, he believed to put the ducats therein.

On his cross-examination, by the defendant's counsel, he was asked, if he was sure the defendant had his hand in Ashley's pocket, and on what reason he grounded his belief, that the defendant put ducats into Mr. Ashley's pocket? he replied, That he was sure his hand was in both Mr. Ashley's pockets; and that he believed, if he had not snatched his hand suddenly from the left-hand pocket, the Jew would have left the ducats there; and that his reason for believing the Jew to put the ducats into the pocket were, because, as soon as he had pulled his hand from the pocket, he began to

mutter out his being robbed; and that Mr. Ashley being so surprised, at finding the ducats in his pocket, confirmed him in his belief.

DANIEL HUGHES, being sworn, said, That he was assistant to Mr. Hubbard, the constable of Witham; that he, this witness, sat up all night with the defendant Simons, when in custody at Witham, and that in the morning he saw Simons the Jew telling his money over, and is sure that he, this witness, saw three pieces of gold, about the size of half guineas, in Simons's hand; that he, this witness, was present at Chelmsford when Ashley pulled the ducats out of his pocket, after the Jew had charged him, Mr. Ashley, with having ducats in his coat-pocket, and that he verily believes they were the same he, this witness, saw the Jew have in his hand in the morning; that this witness saw Simons searched, and then there was found on him but *one shilling and nine-pence halfpenny.*

On his cross-examination he was asked, if he was sure the ducats Mr. Ashley pulled out of his pocket were the same pieces of gold he saw in the defendant's hands in the morning? he said, he could not be sure, but believed they were the very same.

ELEANOR BROWN deposed, That she was servant at the Saracen's head in Chelmsford when Simons the Jew was brought there, and being in the room where they were, she saw the Jew feeling about Mr. Ashley's pockets, and particularly saw his hand in his right-hand coat-pocket, and immediately after heard the Jew say, as well as he could express it, *Mine gilt, mine gilt, robb'd of mine gilt,* and pointed to Mr. Ashley's pocket; that when the pocket-book was taken out of Mr. Ashley's left-hand coat-pocket,
Simons

Simons said, pointing to the right pocket, *Dare be de gilt*; that then Mr. Ashley pulled out his handkerchief, and a ducat came out with it, and searching further found two more ducats in that pocket among some walnuts, when Mr. Ashley said, the villain has put them into my pocket; and that then this witness informed Mr. Ashley *she saw the Jew's hand in his pocket, and that she believed he put the ducats in.*

On her cross-examination she was asked, how many people were in the room at that time, and in what manner Mr. Ashley stood when the defendant put his hand in his, Ashley's, pocket? she replied, there were eight or nine persons in the room at that time, and that Mr. Ashley was leaning on his elbow, and talking to a gentleman; and that the Jew stood on his, Mr. Ashley's, right side.

JOHN NEWMAN clerk to Mr. Ford, deposed, That on Monday, the 7th of October, Mr. Ashley came to Mr. Ford, and informed him where he had met Simons the Jew; that Mr. Ford desired him, this witness, to go with Mr. Ashley in pursuit of Simons, and that Mr. Ford delivered to Mr. Ashley the warrant, under the hand of Alderman Gascoigne, to apprehend him, a bill of indictment having been found against Simons for perjury; that Mr. Ashley got a post-chaise, and they set out immediately; that near Witham they met a boy, to whom Mr. Ashley described Simons, and the boy said he had seen such a man, and asked if he was a highwayman? to which Mr. Ashley replied, that he was, and desired the boy to assist in apprehending him; that the boy then rid on, and when he came in sight of him, called out, Stop highwayman! that then Simons took to his heels and ran, which this witness perceiving,

jumped out of the chaise, and ran after him, and that he, this witness, and the boy, took him, and put him in a cart, from whence he jumped out, pulled off his vest, or upper garment, ran, and endeavoured to escape; that he was soon retaken by them, and conveyed to Witham, and delivered, with the warrant, to Mr. Hubbard, the constable of Witham [*Here Mr. Newman confirmed all that Mr. Ashley had sworn, from this time to their getting the Jew to Chelmsford*] and then said, that at Chelmsford he was present when the defendant Simons charged Mr. Ashley with having his *gilt*, as he, Simons, called it; that he, this witness, with Mr. Ashley's consent, searched his left-hand pocket, and then Simons pointed to the right-hand pocket, and said it was there, as well as he could express it; that Mr. Ashley pulled out a ducat with his handkerchief, and was much surprised thereat, and searching farther, found two more ducats among some walnuts in his pocket; that then the defendant greatly exulted, and cried out, *Dare be my ducats, me robbed of mine ducats*; and seemed greatly rejoiced at seeing them; that he, the defendant, was afterwards searched by Alderman Gascoigne's order, and there was no more than *one shilling and ninepence halfpenny* about him.

On his cross-examination he was asked, whether the warrant that was delivered by Mr. Ford to Mr. Ashley, was for London only, or for London and Essex? he said the warrant was made for London only at first, but that recollecting that Alderman Gascoigne was a verdurer, Mr. Ford imagined that the Alderman was in the commission of the peace for Essex, and therefore added the Words, Essex and.

He was again asked, if, when they were in pursuit after the defendant,

endant, Mr. Ashley did not call out, Highwayman! stop highwayman! and whether he, this witness, did not knock the defendant down when they took him? he replied, That highwayman was called out after the defendant, but whether by Mr. Ashley, or the boy, he could not be positive; that he was sure he, this witness, did not knock the defendant down, for that the manner of taking him was, he, this witness, ran in the horseway till he came beyond the defendant, and then turning about met him just as the boy came up to the back of him.

ISAAC HUBBARD, constable of Witham, deposed, That, on the 7th or 8th of October last, Henry Simons was brought to him, this witness, and delivered into his custody, together with a warrant under the hand and seal of Alderman Gascoigne, to apprehend the defendant for perjury; that it being late he detained him that night in his, this witness's, house, in the care of Daniel Hughes; that the next morning he carried him before Justice Bragg, who told this witness, that the justices were sitting at Chelmsford, and advised him to take him thither; that, when they came to Chelmsford, they went to the Saracen's head inn, and whilst they, Mr. Ashley, the defendant, and several other persons, were in a room together, he heard the defendant, in broken English, charge Mr. Ashley with having his *gilt*, and robbing him; that the defendant pointed to Mr. Ashley's pocket, and said, *You mine gilt*; that Mr. Ashley asked what he meant, and said, he had nothing of his, the defendant's, and desired Mr. Newman to search his pocket, and, on his taking a book out of Mr. Ashley's left-hand pocket, the Jew rose up in haste, and caught hold of his right-hand poc-

ket, and said, *Here be mine gilt*; that Mr. Ashley pulled his handkerchief out of his right-hand pocket, and with it a piece of gold, called a ducat, and searching farther found two more among some walnuts in that pocket; that then the Jew seemed much rejoiced, and cried out, *Mine ducats, me robb'd, mine ducats*; and, by his words and actions, seemed to charge Mr. Ashley with robbing him; that after this the Jew was searched before Alderman Gascoigne, and there were found no more money about him than *one shilling and six-pence in silver, and three-pence halfpenny in halfpence*.

On his cross-examination he was asked, If the warrant he received with the defendant, under the hand and seal of Mr. Alderman Gascoigne, was, at that time, backed by any justice of the peace of the county of Essex? answered, That, at the time of taking the defendant into custody, it was not, *Mr. Ashley thinking Alderman Gascoigne was a justice for Essex*; but, on finding to the contrary, Mr. Ashley went the next morning, and got it backed by the Rev. Mr. Tindal, who is a justice of peace for Essex.

This witness was then shewn a printed paper, with affidavits thereon, and asked, If he did not make and subscribe the affidavit bearing his name? and, if he did, how he came there to swear, that he received a warrant under the hand and seal of Crispe Gascoigne, Esq; one of his majesty's justices of the peace for the city of London, and indorsed by the Rev. John Tindal, clerk, one of the justices of the peace for the county of Essex, and now, that the warrant was only under the hand and seal of Mr. Gascoigne? he replied, That what he swore there was true; for, tho' it was not backed by Mr. Tindal at first, it was afterwards.

He was then asked, What it was that induced him to make the before-mentioned affidavit, and whether he should have done it, if he had not been solicited by some persons thereto? he replied, That he had no other motive but for the sake of publick justice, and because what he had sworn was true; that indeed he believed he should not have sworn it, if Mr. Ashley had not requested him so to do.

DANIEL GAINS deposed, That the day the Jew was brought to the Saracen's head in Chelmsford, he, this witness, was at the same inn, in the kitchen, and hearing there that Mr. Ashley was charged by the Jew with robbing him, he, this witness, went into the room where Mr. Ashley and the Jew were, and there saw Mr. Ashley pull out a ducat with his handkerchief, and afterwards Mr. Ashley pulled out two more with some walnuts; that then the Jew cried out, *Mine gilt, me robbed, mine gilt, me robbed, rogue,* and pointed to Mr. Ashley; that he saw the defendant searched, and no more than *one shilling and nine-pence halfpenny* was found about him.

Here the counsel for the prosecution rested it, tho' they said they had *more witnesses to call.*

The counsel for the defendant opened his defence with saying, That the defendant Henry Simons was a foreigner, a Polander by birth, of the sect or religion of the Jews; that he was a trader, as most of the Jews are concerned in trade, and very beneficial is their knowlege in trade to those kingdoms wherein they reside: that the defendant had brought over with him, into this kingdom, a large sum of money, to lay out in such commodities as we could very well spare; that, instead of meeting with that encon-

agement so worthy a merchant deserved, who came to lay out his ready money with us, in his journey towards Bristol (whither he was going as well to trade, as to perform some religious exercises) at Cranford-bridge, in the county of Middlesex, he was robbed, stript of his all, no less than 554 ducats; that he commenced a prosecution against a person for committing the robbery, and, because he did not convict the person, this unfortunate man had an indictment preferred against him for perjury; that being ruined he had no more business here in this kingdom, and therefore he, with the help of some charitable persons, was travelling towards Harwich; but, in his way thither, he was attacked, a cry of a highwayman raised against him, and he was apprehended, nay treated worse than a highwayman; that, after they had kept him all night, without any authority for so doing, they brought him to Chelmsford, among a great number of people, who treated him very ill; after which he is charged with putting ducats in Mr. Ashley's pocket, with a design, as they say, to swear a robbery against Mr. Ashley; that so very far was the defendant from doing this, that when they have called their witnesses they should shew, that, instead of putting ducats into Mr. Ashley's pockets, he had not the value of half a ducat about him when he went out of London.

HYAM LEVI (Jew) being sworn, deposed, That, on the 8th day of August last, he, and Henry Simons the defendant, landed at Harwich from Holland; that, when they came on shore, they were searched by the custom-house searcher, as usual; that Simons had a large belt on, that would hold above a thousand ducats, and that it appeared to be above half full; that it is the custom

custom of the Polish Jews to carry their money about with them in a belt, which is hollow, and opens near the buckle, where they put their money in and out of the belt. That he, this witness, advised Simons to leave his money with a gentleman at Harwich, who would send it to him to London; but that Simons replied, He would not leave them any where, with any person, no, not his own father. *That at Harwich he, this witness, pulled out a gold watch, to see what it was o'clock; which the defendant observing, said, He should want two gold repeating watches, and desired him, this witness, to help him to a good workman, that would use him well, for that he would have the best, if he gave 40 l. or 50 l. a-piece for them.* That he, this witness, came on for London, and left the defendant behind, who would not travel on the Sabbath. That the Tuesday following he, this witness, saw the defendant in London; and that he went to lodge with Barrant Abrahams.

Being asked, if he counted the number of ducats, the defendant carried about him, said, He did not, but thinks there were above half a thousand, for the belt was above half full.

ISRAEL LEVI, (a Polish Jew) who could not speak English, and therefore DAVID HART was sworn his interpreter. Israel Levi deposed, That he came over with Henry Simons, who is a Polish merchant; that he saw the defendant's belt, and it was above half full of ducats; they came on to London together, and in their way, they kept sabbath together at Colchester. That after Simons was robbed, he saw him in London, in great necessity, and then this witness lent Simons money. That Simons told this witness, he had been

obliged to pawn his veil, which is a thing the religious among the Jews never do, but at the last extremity, and that they will part with every thing else that they have, before their veil. That he, defendant, always had the character of an honest man, and a just merchant.

WILLIAM PAYCE, searcher of the customs at Harwich, deposed, That he searched Henry Simons, the defendant, when he landed at Harwich, the 8th of August last; that he then saw the defendant had a large quantity of ducats about him in his belt.

On his cross-examination, he was asked, If the defendant pulled out all that was in the belt? and if he was sure that the belt contained nothing but ducats? he replied, That the defendant shook into his hand, he believed, 40 or 50 ducats; and that, knowing it was the way of those people, to carry their money in belts; and that by these ducats produced, he, this witness, concluded the whole quantity to be ducats.

SARAH ABRAHAM, (Jew) deposed, That about the 12th of August last, Henry Simons, the defendant, came to lodge at her house; that he said, he came from Poland; and that he shewed her his belt, wherein was a large quantity of ducats; that the defendant told her, that he brought that money into England to lay out in watches, and other goods; that the defendant lodged with her, till he went for Bristol; that she, this witness, did count the defendant's ducats, when he put them up in his belt, to go for Bristol; and she, this witness, was sure there were 554 at that time.

BARRANT ABRAHAM, (Jew) husband to the last witness, deposed,

deposed, That Henry Simons, the defendant, lodged at his house, all the time the defendant staid in London, till he set out for Bristol; that he, this witness, saw his wife count the defendant's ducats; and that there were 554, which he, this witness, saw the defendant put up in his belt. That then he, this witness, went with the defendant as far as Piccadilly, to shew him the way out of town, the defendant purposing to go to Bristol.

Being asked, If he knew when this was, that he shewed the defendant the way out of town? he replied, That it was that time that the defendant set out for Bristol, and was robbed at Cranford-bridge.

THOMAS WOODMAN, keeper of the Poultry-compter, deposed, That the 29th of August last, Henry Simons, the defendant, came to him, and by his man, Henry Keys, who interpreted for the defendant, told him, this witness, That he had been robbed at Cranford-bridge, and by whom; that at this time the defendant appeared to have been wounded, and was very bloody; that he, this witness, and Keys, went with the defendant before Justice Chamberlayne, and obtained a warrant to apprehend the person the Jew had sworn to have robbed him; and that he, this witness, with his man Keys, went in a post-chaise to apprehend the person against whom the warrant was granted; and that when they came to Cranford-bridge, they found the person was fled.

HENRY KEYS, (Jew) servant to the last witness, deposed, That on the 29th of August last, the defendant, Henry Simons, came to him, this witness, and told him, he had been robbed; described the manner how it was done, and

named one of the persons that the defendant said he was sure did rob him: That he, this witness, and Mr. Woodman, went with the defendant before the justice, and after a long examination, wherein he, this witness, was interpreter, a warrant was granted against the person sworn to have robbed the defendant; that he, this witness, went with his master, Mr. Woodman, to Cranford-bridge, to execute the warrant; that when they came there, they found the person was gone; and he, this witness, and Mr. Woodman, being known, and what they came about, one of the women in the house said, She remembered the Jew's being there, and that he shewed his belt, and pulled out some of his gold. He farther deposed, That in October last, Mr. Ashley came to him at the Poultry-compter, and told him, He had got Simons, the defendant, and desired him, this witness, to go with them before Justice Fielding, which he did, and there Mr. Ashley said nothing of any ducats being put into his pocket.

SIMON DAVIDS, (Jew) deposed, That he knew the defendant, Henry Simons; that after he was robbed, he came to him, and seemed to be extremely poor; and that he relieved him.

NAPTHALI FRANKS, (Jew) deposed, That Henry Simons, the defendant, came to him, after his being robbed, and complained very much of his loss and great poverty, in particular, that he had been forced to pawn his veil to subsist him, which is held so sacred, that it is never parted with, but at the last extremity; that he, this witness, relieved him; and that many others did the same, or he must have starved. That the defendant knew so little English, and spoke

it so badly, that he, this witness, who is used to converse with foreign Jews, could not understand what he said without calling this witness's servant to interpret between them.

LAZARUS SIMONS, (Jew) overseer of the poor of the synagogue, deposed, That he knew the defendant, Henry Simons; that he came to him in September last, and complained to him of extreme poverty, and desired him, this witness, to get him some relief; that he did so, and after that, he, the defendant, came again, and begged for some charity, to carry him abroad. That the defendant had had a fever before he set out for Harwich, and in his sickness he was often crying, *my ducats, my ducats, Goddard, Goddard*. He farther deposed, That Henry Simons appeared publickly, and constantly, at the synagogue; and that he believed him to be an honest conscientious man, and that he, this witness, did not believe Simons could have a ducat when he left London.

MEYER POLACK, (Jew) clerk of the synagogue, deposed, That Henry Simons, the defendant, complained to him, this witness, of his great poverty; that he, this witness, got some charity for him, and particularly of the warden of the synagogue, who ordered him, this witness, to give him half a guinea out of the poor's box, but not till the defendant was going away; that another gentleman gave him, this witness, three shillings for the defendant; that on Friday the 4th of October, two days before the defendant set out from London, he, this witness, met the defendant in the street, who earnestly begged for some relief; and that then, he, this witness, gave the defendant six-pence; that he, this witness,

believes the defendant to be an honest, religious man, who constantly came to the synagogue, and appeared publickly; and that he, this witness, dare swear, that the defendant had not a ducat about him when he left London.

On his cross-examination, he was asked, If he thought the defendant had not above two guineas at the time that he had finished his collection, replied, *That he was sure he could not have above two guineas, if he had so much.*

JOSEPH ISAACS, (Jew) deposed, *That on Sunday the 6th of October last, he and Henry Simons were going towards Ilford; that a little beyond Stratford, they met a gentleman in a chaise, whom he, this witness, now knows to be Mr. James Ashley; that Mr. Ashley crossed the road with his chaise, and coming up to them, asked Simons, If he was the man that swore a robbery against the man at Cranford-bridge? that he, this witness, advised the defendant to make no answer; but that the defendant said to Mr. Ashley, Na fas stand, meaning that he did not understand him; that then Mr. Ashley put his hand into his right-hand coat-pocket, and pulled out a handful of ducats, and said, these, these ducats, and, putting them into his pocket again, shook his hand in a menacing manner, and drove on towards London; that he, this witness, went to Barking, and the defendant went on towards Harwich; that on the 8th of October, he, this witness, met the Polak, meaning Simons, the defendant, in custody of a constable, near Witham, and that he, this witness, was told, That the Polak was a highwayman, that he was refused to speak with the Polak; and that when he, this witness, came to Witham, he went to the constable's house, an inn; and that*

that the constable's wife told him, That they, meaning the people of the house, had had a highwayman in their custody all night.

Mr. NEWMAN and Mr. HUBBARD were again called, and confronted with this witness, when they both said, They knew nothing of the witness, Isaacs's being there; that there were several Jews upon the road; that he was not said to be an highwayman, nor was he treated as such; nor did they remember any person asked to speak to the defendant. Hubbard added, That he did not believe he had ever seen Isaacs before.

ISAACS, (Jew) on his cross-examination, was asked, If he was sure that Mr. Ashley pulled out any money, and whether he was near enough to discern what coin it was? replied, That he was sure Mr. Ashley pulled out ducats, for he, this witness, was close to the side of the chaise.

He was then asked, Where he lived, and what business he followed? he replied, That he lived in Rosemary-lane, and that his business was, to make women's pockets, and carry them about to sell.

Here he was confronted with Mr. Ashley, concerning Mr. Ashley's pulling out the ducats in Ilford-road; when Mr. Ashley said, That he saw nobody with Simons, when he, Mr. Ashley, met Simons; nor did he, Mr. Ashley, see any person nearer Simons than 100 yards, one way or the other; and that he, Mr. Ashley, did never see a ducat in all his life, before those he pulled out of his pocket at Chemsford.

HYAM LEVI was again called, who farther deposed, That one day, soon after Mr. Goddard's

trial, Mr. Ashley, and another man with him, came to this witness's brother-in-law's, in Duke's-place, and asked this witness, If Mr. Levi was at home? That he, this witness, fearing to be arrested for some hair that he had bought, answered them, That Mr. Levi was not at home; that then Mr. Ashley left word, that he wanted to speak with Mr. Levi, and desired to see him at the Punch-house on Ludgate-hill; that he, this witness, having cleaned himself, was going to Ludgate-hill, and in St. Paul's church-yard, he, this witness, met Mr. Franks, and informed him where he was going; that Mr. Franks advised him, this witness, not to go, unless he had an unquestionable, honest and reputable man along with him, lest any thing should be said to him, or of him, that might not be right; that he, this witness, upon this, resolved not to go; and in a day or two after, Mr. Ashley came again to him, this witness, and asked him, this witness, If he came from Holland with Henry Simons? and whether Simons brought any ducats over with him? That he, this witness answered, He did come over with him; and that Simons had a large quantity of ducats; that then Mr. Ashley said, Simons was a perjured villain in two instances, first, in swearing that Goddard robbed him; and next, in swearing the ducats were worth 9s. 6d. a-piece; and then pulled out a pair of scales, and weighed a ducat that had a hole in it, and then said, You see this weighs no more than 8s. I am a silversmith, and deal in ducats, and they generally are about this weight.

Mr. FRANKS, (Jew) confirmed that part of this witness's evidence relating to meeting him in St. Paul's church-yard.

Here Mr. Ashley was confronted with Hyam Levi, when Mr. Ashley said, That he never saw Levi before then in his life; that at the time of Mr. Goddard's trial, and to the end of September (*in which time Levi had sworn to the transaction*) he, Mr. Ashley, was out of London, upon a journey, and that he had not been in Duke's Place for many years past.

MOSES JACOBS deposed, That Henry Simons, being in great distress, pawned his veil with him for thirty shillings; that the defendant came and redeemed it, paying the thirty shillings at two different times; that he paid the last on the morning before he went out of London; that then the defendant said he had no more than half-a-crown in the world; that he, this witness, then gave him half-a-crown, and said, he verily believed the defendant had no more than five shillings when he went from London.

Mr. Alderman GASCOIGNE deposed, That he was up stairs, at the Saracen's head in Chelmsford, at the time when Mr. Ashley and the defendant were there; and, being sent for down to them, Mr. Ashley said to him, That damned villain the Jew had put some ducats in his pocket, and had charged him with robbing him; that then he, Mr. Alderman Gascoigne, spoke to the Jew in Dutch, and asked him, if he put the ducats into Mr. Ashley's pocket, and whether the ducats were his, Simons's? when Simons replied in Dutch, *They are none of my ducats*, and then further said, *Goddard, Goddard, Goddard's ducats!* that he then denied putting any ducats into Mr. Ashley's pocket, or charging Mr. Ashley with robbing him of them.

The judge summed up the evi-

dence on both sides, and the jury brought the defendant in GUILTY.

HENRY SIMONS, thus found guilty, and being upon bail, his friends, instead of bringing him into court within the four first days of the next Easter term, which began the 15th of April, according to the condition of the recognizance, moved the court of King's Bench, that judgment might be respited; and prayed for a rule, That the prosecutor might shew cause, why a new trial should not be granted: which the court did not come into, there not being then sufficient reason shewn. Whereupon *Mr. Franks*, commonly called the *Great Rich Jew*, accompanied with some persons belonging to the law, went and visited several of the jurymen, who had been upon the trial; when (as there is great reason to believe) they made application to the jury to make affidavits, as appears by the following affidavit.

SECT. V. An affidavit, proving some practices made use of by the Jews to obtain the affidavits of the jurymen, on which a new trial was moved for.

ROBERT DAKING, of Chelmsford, in the county of Essex, innholder, maketh oath, and saith, That, on Thursday the 23d of April last, he, this deponent, was sent for to the Saracen's head inn, in Chelmsford aforesaid, by one *Mr. Franks*, who is a stranger to this deponent; but is known in this deponent's neighbourhood by the name of the *Great Franks*, or the *Rich Jew*, but the other name of the said *Mr. Franks* this deponent doth not know.—And this deponent further saith, That he went to the Saracen's head as aforesaid accordingly, and there was the said

that the constable's wife told him, That they, meaning the people of the house, had had a highwayman in their custody all night.

Mr. NEWMAN and Mr. HUBBARD were again called, and confronted with this witness, when they both said, They knew nothing of the witness, Isaacs's being there; that there were several Jews upon the road; that he was not said to be an highwayman, nor was he treated as such; nor did they remember any person asked to speak to the defendant. Hubbard added, That he did not believe he had ever seen Isaacs before.

ISAACS, (Jew) on his cross-examination, was asked, If he was sure that Mr. Ashley pulled out any money, and whether he was near enough to discern what coin it was? replied, That he was sure Mr. Ashley pulled out ducats, for he, this witness, was close to the side of the chaise.

He was then asked, Where he lived, and what business he followed? he replied, That he lived in Rosemary-lane, and that his business was, to make women's pockets, and carry them about to sell.

Here he was confronted with Mr. Ashley, concerning Mr. Ashley's pulling out the ducats in Ilford-road; when Mr. Ashley said, That he saw nobody with Simons, when he, Mr. Ashley, met Simons; nor did he, Mr. Ashley, see any person nearer Simons than 100 yards, one way or the other; and that he, Mr. Ashley, did never see a ducat in all his life, before those he pulled out of his pocket at Chemsford.

HYAM LEVI was again called, who farther deposed, That one day, soon after Mr. Goddard's

trial, Mr. Ashley, and another man with him, came to this witness's brother-in-law's, in Duke's-place, and asked this witness, If Mr. Levi was at home? That he, this witness, fearing to be arrested for some hair that he had bought, answered them, That Mr. Levi was not at home; that then Mr. Ashley left word, that he wanted to speak with Mr. Levi, and desired to see him at the Punch-house on Ludgate-hill; that he, this witness, having cleaned himself, was going to Ludgate-hill, and in St. Paul's church-yard, he, this witness, met Mr. Franks, and informed him where he was going; that Mr. Franks advised him, this witness, not to go, unless he had an unquestionable, honest and reputable man along with him, lest any thing should be said to him, or of him, that might not be right; that he, this witness, upon this, resolved not to go; and in a day or two after, Mr. Ashley came again to him, this witness, and asked him, this witness, If he came from Holland with Henry Simons? and whether Simons brought any ducats over with him? That he, this witness answered, He did come over with him; and that Simons had a large quantity of ducats; that then Mr. Ashley said, Simons was a perjured villain in two instances, first, in swearing that Goddard robbed him; and next, in swearing the ducats were worth 9s. 6d. a-piece; and then pulled out a pair of scales, and weighed a ducat that had a hole in it, and then said, You see this weighs no more than 8s. I am a silversmith, and deal in ducats, and they generally are about this weight.

Mr. FRANKS, (Jew) confirmed that part of this witness's evidence relating to meeting him in St. Paul's church-yard.

Here Mr. Ashley was confronted with Hyam Levi, when Mr. Ashley said, That he never saw Levi before then in his life; that at the time of Mr. Goddard's trial, and to the end of September (*in which time Levi had sworn to the transaction*) he, Mr. Ashley, was out of London, upon a journey, and that he had not been in Duke's Place for many years past.

MOSES JACOBS deposed, That Henry Simons, being in great distress, pawned his veil with him for thirty shillings; that the defendant came and redeemed it, paying the thirty shillings at two different times; that he paid the last on the morning before he went out of London; that then the defendant said he had no more than half-a-crown in the world; that he, this witness, then gave him half-a-crown, and said, he verily believed the defendant had no more than five shillings when he went from London.

Mr. Alderman GASCOIGNE deposed, That he was up stairs, at the Saracen's head in Chelmsford, at the time when Mr. Ashley and the defendant were there; and, being sent for down to them, Mr. Ashley said to him, That damned villain the Jew had put some ducats in his pocket, and had charged him with robbing him; that then he, Mr. Alderman Gascoigne, spoke to the Jew in Dutch, and asked him, if he put the ducats into Mr. Ashley's pocket, and whether the ducats were his, Simons's? when Simons replied in Dutch, *They are none of my ducats*, and then further said, *Goddard, Goddard, Goddard's ducats!* that he then denied putting any ducats into Mr. Ashley's pocket, or charging Mr. Ashley with robbing him of them.

The judge summed up the evi-

dence on both sides, and the jury brought the defendant in GUILTY.

HENRY SIMONS, thus found guilty, and being upon bail, his friends, instead of bringing him into court within the four first days of the next Easter term, which began the 15th of April, according to the condition of the recognizance, moved the court of King's Bench, that judgment might be respited; and prayed for a rule, That the prosecutor might shew cause, why a new trial should not be granted: which the court did not come into, there not being then sufficient reason shewn. Whereupon *Mr. Franks*, commonly called the *Great Rich Jew*, accompanied with some persons belonging to the law, went and visited several of the jurymen, who had been upon the trial; when (as there is great reason to believe) they made application to the jury to make affidavits, as appears by the following affidavit.

SECT. V. An affidavit, proving some practices made use of by the Jews to obtain the affidavits of the jurymen, on which a new trial was moved for.

ROBERT DAKING, of Chelmsford, in the county of Essex, innholder, maketh oath, and saith, That, on Thursday the 23d of April last, he, this deponent, was sent for to the Saracen's head inn, in Chelmsford aforesaid, by one *Mr. Franks*, who is a stranger to this deponent; but is known in this deponent's neighbourhood by the name of the *Great Franks*, or the *Rich Jew*, but the other name of the said *Mr. Franks* this deponent doth not know.—And this deponent further saith, That he went to the Saracen's head as aforesaid accordingly, and there was the said

faid Mr. Franks, together with *Bamber Gascoigne, Esq;* counsellor at law, and was by them hired to carry them to Much-Baddow, from thence to Ingatestone in a post-chaise, which this deponent keeps to let out to hire: and that he carried them to the houses of the gentlemen here-under mentioned; that is to say, to *Thomas Brograve, Esq;* at Much-Baddow; to *John Godsalve, Esq;* at Much-Baddow; and to *Robert Clarke, Esq;* at Little-Baddow.—And this deponent further saith, That he carried them accordingly to the places afore-mentioned, and set them down at the houses of the aforesaid Thomas Brograve, John Godsalve, and Robert Clarke.—And this deponent further saith, That he waited for the said Mr. Franks and Mr. Gascoigne, at the house of the said Thomas Brograve, about the space of *one hour and an half*; and at the house of the said John Godsalve, *for about the space of two hours*; and at the house of the said Robert Clarke, for about the space of *one hour and an half*; who were persons who had served on the jury on the trial of Henry Simons.—And this deponent further saith, That the said Mr. Franks and Bamber Gascoigne, Esq; were accompanied by one Mr. Rayment, an attorney, and another person, who appeared to this deponent to officiate as Mr. Rayment's clerk, who went on horse-back.—And this deponent further saith, That he understood, and it appeared to him by what he saw transacted and done, that they waited on the aforesaid gentlemen to procure from them some affidavit, or affidavits, relating to a trial that was tried at the last assizes at Chelmsford aforesaid, against Henry Simons, a Jew, for putting three ducats into the pocket of the said James Ashley, and then charging him with a robbery; on which pro-

secution this deponent hath been told the jury found him guilty.—And this deponent saith, That he rather believes the same to be true, for he has been informed, that the said Mr. Rayment is a commissioner to take affidavits in the court of King's Bench, and that he attended on the aforesaid gentlemen of the jury for that purpose.

Sworn at Chelmsford, the 6th day Rob. Daking.
of May, 1752,
before me,

Thomas Pocklington.

SECT. VI. The jurymen's affidavits at large, after they had recorded a verdict against Simons.

THOMAS BROGRAVE, of Great-Baddow, in the county of Essex, Esq; saith, That he served on the jury at the trial of this cause at the last assizes held at Chelmsford for the county of Essex; and this deponent, on the evidence given to him and them on the said trial, was of opinion, That the defendant did put three ducats into the pocket of the prosecutor; but that the same was not done with an intent to prosecute the said James Ashley for felony or robbery; the deponent apprehended he and the rest of the jury had given such verdict: but the deponent hath lately been informed, that the verdict of the jury as taken down and recorded finds the defendant guilty upon the third count in the indictment, which this deponent is also informed is finding the defendant guilty of putting the said three ducats into the prosecutor's pocket, with a most malicious, wicked, and cruel intention, falsely to charge, and accuse, and cause it to be thought and believed, that the prosecutor had robbed the said Henry Simons the defendant of the said three ducats: whereas

whereas the deponent and the rest of the jury did not find, that the same was done with intent as afore-said.—The deponent saith, That the said verdict, as it now stands, is contrary to the true intent of this deponent: therefore the deponent maketh this affidavit to explain what verdict they did intend to find.

ROBERT CLARKE, of Little-Baddow, in the county of Essex, Esq; saith, That he served on the jury at the trial of this cause last assizes, held at Chelmsford, in the county of Essex; and that he was of opinion, *That the defendant put three ducats into the pocket of the prosecutor; but that the same was not done with intent to charge the prosecutor with robbery, or felony, or any other offence, or with any evil intent:* the deponent saith, That the jury did agree to give their verdict, that the defendant was guilty of putting the said three ducats into the prosecutor's pocket, *by reason it was sworn to that effect;* and such was the verdict intended to be given: this the deponent apprehended he and the rest of the jury had given such verdict: but the deponent hath been informed, That the verdict, as taken down and recorded, finds the defendant guilty upon the third count in the indictment, which the deponent is informed is finding the defendant guilty of *putting the said three ducats into the prosecutor's pocket, with a most malicious, wicked, and cruel intention, falsely to charge, and accuse, and cause it to be thought and believed, that the prosecutor had robbed the said defendant of the said three ducats:* whereas the deponent and the rest of the jury did not find, that the same was done with such intent, or any intent whatsoever.—The deponent saith, That the verdict, as

it stands, is contrary to the intent of the deponent.—The deponent saith, He could not in his conscience rest satisfied with such verdict: therefore the deponent made this affidavit to explain what verdict he did intend to find.

JOHN OLMIOUS, of Boreham, in the county of Essex, Esq; saith, He served on the jury at the trial of this cause, &c.—That this deponent, on the evidence given on the said trial, was of opinion, *That the defendant did put three ducats into the prosecutor's pocket; but the same was not done with intent to charge the prosecutor with robbery, or felony, or any other offence.*—Saith, That the jury did agree, that the defendant was guilty of putting the said three ducats in the prosecutor's pocket, *by reason it was sworn to that effect;* and such only was the verdict intended to be given; the deponent apprehends such verdict was given: but the deponent hath been informed, That the verdict, as recorded, finds the defendant guilty upon the third count in the indictment, which, the deponent is also informed, is finding the defendant guilty of *putting the said three ducats into the prosecutor's pocket, with a most malicious and cruel intention, falsely to charge, and cause it to be thought and believed, that the prosecutor had robbed the said defendant of the said three ducats:* whereas the deponent and the rest of the jury did not find the same was done with any ill intent whatsoever.—The deponent saith, when the jury came into court, there was such a croud and noise within and without the court, that the deponent could not hear distinctly what the judge, who tried the cause, said or explained to them.—Saith, That he did not understand the nature of the third count of the said indictment.—

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Saith,

Saith, That the verdict, as it stands, is contrary to the intent of this deponent.—The deponent saith, He could not in his conscience rest satisfied with such verdict; and therefore did, together with Peter Godfrey and Poulton Allen, Esquires, two others of the jury, lately wait on the judge, who tried the cause, and explained to him what verdict they intended to find: and also acquainted him, that, by reason of the noise in the court, the deponent could not understand the judge's explanation of the said third count of the said indictment, or the nature thereof.

JOSEPH HORNBY, of Ingatestone, in the county of Essex, Esq; saith, He served on the jury at the trial of this cause, &c. And that it appeared to the deponent, on the evidence given on the said trial, *That the defendant did put three ducats into the prosecutor's pocket; but on the evidence given to the deponent by Crisp Gascoigne, Esq; Alderman of London, it appeared to the deponent, That the same was not done with a malicious, wicked, and cruel intention, falsely to charge, and cause it to be believed, that the prosecutor had robbed the defendant of the said three ducats, or with any evil intent.*—The deponent saith, that the jury agreed to give their verdict; That the defendant was guilty of putting the said three ducats into the prosecutor's pocket, by reason it was sworn to that effect; and such was the verdict intended to be given: and the deponent apprehended, that such verdict was given.—The deponent saith, That, when the jury came into the court to bring in their verdict, *there was such a croud and noise in the court, that the deponent could not hear what the judge, who tried*

the cause, said or explained to them.—Saith, He did not understand the nature of the third count of the indictment, for the reasons aforesaid.

JOHN GODSALVE, of Great-Baddow, in the county of Essex, Esq; saith, He served on the jury at the trial of this cause, &c. That the deponent, on the evidence given to him on the said trial, *was of opinion, That the defendant did put three ducats into the prosecutor's pocket; but the same was not done with intent, to charge the prosecutor with felony, or robbery, or other offence, with any evil intent.*—The deponent saith, That the jury did agree to give a verdict, that the defendant was guilty of putting the said three ducats into the prosecutor's pocket, by reason it was sworn to that effect; and such verdict was intended to be given: the deponent apprehended, That he and the rest of the jury had given such verdict: but the deponent hath since been informed, That the verdict recorded finds the defendant guilty on the third count in the indictment, which, the deponent is also informed, is finding the defendant guilty of putting the said three ducats into the prosecutor's pocket, with a most malicious, wicked, and cruel intention, falsely to charge, and cause it to be believed, that the prosecutor had robbed the said defendant of the said three ducats: whereas the deponent and the rest of the jury did not find, that the same was done with such intent, or any intent whatsoever.—The deponent saith, That the said verdict, as it now stands, is contrary to the verdict then given in court.—Saith, He could not rest satisfied with such verdict, and therefore the deponent made this affidavit.

POULTON

POULTON ALLEN, of Barking, in the county of Essex, Esq; saith, That the deponent served on the jury at the trial of this cause, &c. That the deponent, on the evidence given to him on the said trial, was of opinion, *That the defendant did put three ducats into the prosecutor's pocket; but the same was not done with intent to charge with robbery, or felony, or any other offence.*—The deponent saith, That the jury did agree to give a verdict, that the defendant was guilty of putting the said three ducats into the prosecutor's pocket, by reason it was sworn to that effect.—The deponent apprehended, He and the rest of the jury had given such verdict: but the deponent hath lately been informed, That the verdict, as is recorded, finds the defendant guilty on the third count in the indictment, which, the deponent is also informed, is finding the defendant guilty of putting the said three ducats into the prosecutor's pocket, with a most malicious, wicked, and cruel intention, falsely to charge and accuse, and cause to be believed, that the prosecutor had robbed the said defendant of the said three ducats: whereas the deponent, and the rest of the jury, did not find the same was done with such intent, or any ill intent whatsoever.—The deponent saith, When the jury came into court to give their verdict, there was such a croud and noise, that the deponent could not hear distinctly what the judge, who tried the cause, said to them.—The deponent saith, He did not understand the nature of the third count of the said indictment, which the deponent could not, for the reason aforesaid, hear the judge explain.—The deponent saith, That the said verdict, as it stands, is contrary to the meaning of this deponent.—The deponent saith, That

he could not be satisfied with such verdict: therefore the deponent did, together with PETER GODFREY and JOHN OLMIOUS, Esquires, two others of the jurors, wait on the judge, who tried the cause, and explain to him what verdict they intended to find; and also acquaint him, that, by reason of the noise in the court, the deponent could not understand the judge's explanation of the said third count of the said indictment.

HENRY HALL, of Hutton-Hall, in the county of Essex, Esq; saith, He served on the jury, at the trial of this cause, the last assizes, &c. That the deponent, on the evidence to him given, on the said trial, was of opinion, *That the defendant did put three ducats into the prosecutor's pocket, but the same was not done with intent to charge the prosecutor with robbery, or felony, or any other offence, with any evil intent.*—The deponent saith, That the jury did agree, that the defendant was guilty of putting the said three ducats into the prosecutor's pocket, as sworn to that effect; which was the verdict intended to be given; the deponent apprehended, He and the rest of the jury had given such verdict: but the deponent hath been informed, That the verdict recorded finds the defendant guilty on the third count in the indictment, which, the deponent is also informed, is finding the defendant guilty of putting the said three ducats into the prosecutor's pocket, with a most malicious, wicked, and cruel intention, falsely to charge, accuse, and cause it to be believed, that the prosecutor had robbed the defendant of the said three ducats: whereas the deponent, and the rest of the jury, did not find the same was done with any such intent, or with any intent whatsoever.

ever.—The deponent faith, That the said verdict is contrary to the intent of this deponent.—The deponent faith, He could not rest satisfied with such verdict; and therefore he made this affidavit.

PETER GODFREY of Woodford, and SAMUEL RUGGLES of Bocking, in the county of Essex, Esquires, severally make oath, That they severally served on the jury, at the trial of this cause, the last assizes, &c. and say, That these deponents, on the evidence given them on the said trial, were of opinion, *That the defendant did put three ducats into the prosecutor's pocket, but the same was not done with intent to charge the prosecutor with robbery, or felony, or any other offence, or any evil intent.*—The deponents say, the jury did agree to give their verdict, That the defendant was guilty of putting the said three ducats into the prosecutor's pocket, by reason it was sworn to that effect.—The deponents apprehended, that they, and the rest of the jury, had given such verdict: but the deponents have been informed, That the verdict of the jury, as is recorded, finds the defendant guilty on the third count in the indictment, which, the deponents are also informed, is finding the defendant guilty of putting the said three ducats into the prosecutor's pocket with a most malicious, wicked, and cruel intention, falsely to charge, and cause it to be believed, that the prosecutor had robbed the defendant of the said three ducats: whereas, when these deponents, and rest of the jury, came into court, there was such a croud and noise, that the deponents could not hear distinctly what the judge, who tried the cause, said or explained to them.—Say, That they did not understand the nature of the third count of the said indictment,

for the reasons aforesaid; the deponents say, That the verdict, as it now stands, is contrary to the intent and meaning of these deponents.—This deponent, PETER GODFREY, for himself, faith, He could not rest satisfied with such verdict; therefore this deponent did, together with JOHN OLMIOUS and POULTON ALLEN, Esquires, two others of the jurors, wait on the judge, who tried the cause, and explained to him what verdict they intended to find; and also acquaint him, that, by reason of the noise in the court, this deponent could not understand the judge's explanation of the said third count of the said indictment, or the nature thereof.

JOHN MORLEY, of Halsted, in the county of Essex, Esq; faith, He served on the jury, at the trial of this cause, at the last assizes, held, &c. as foreman of the said jury; and this deponent, on the evidence given on the said trial, was of opinion, *That the defendant did put three ducats into the prosecutor's pocket; but did not find the same was done with any intent whatsoever.*—The deponent faith, the jury did agree to give their verdict, That the deponent was guilty of putting the said three ducats into the prosecutor's pocket, by reason it was sworn to that effect; and such was the verdict intended to be given: but the deponent hath lately been informed, That the verdict of the jury recorded finds the defendant guilty upon the third count in the indictment, which, the deponent is also informed, is finding the defendant guilty of putting the said three ducats into the prosecutor's pocket, with a most malicious, wicked, and cruel intention, falsely to charge, and cause it to be believed, that the prosecutor had robbed the de-

defendant of the said three ducats: whereas this deponent, and the rest of the jury, did not find the same was done with any such intent, *or any intent whatsoever*.—The deponent saith, That the said verdict, as it now stands, is contrary to the intent of the deponent; and therefore the deponent hath made this affidavit.

DANIEL STRATTON, of Bromfield, in the county of Essex, Esq; saith, He served on the jury, at the trial of this cause, at the last assizes, held, &c. That this deponent, on the evidence given to him on the said trial, was of opinion, *That the defendant put three ducats in the prosecutor's pocket; but that the same was not done with intent to charge the prosecutor with robbery, or felony, or any other offence, with any evil intent.*—The deponent saith, That the jury did agree, that the defendant was guilty of putting the said three ducats into the prosecutor's pocket, by reason it was sworn to that effect; and such was the verdict intended to be given; the deponent apprehended he and the rest of the jury had given such verdict: but the deponent hath lately been informed, That the verdict recorded finds the defendant guilty on the third count in the indictment, which, the deponent is also informed, is finding the defendant guilty of putting the said three ducats into the prosecutor's pocket, with a most malicious, wicked, and cruel intention, falsely to charge, and cause to be believed, that the prosecutor had robbed the defendant of the said three ducats: whereas the deponent, and the rest of the jury, did not find the same was done with such intent, *or any intent whatsoever*.—The deponent saith, The

verdict, as it now stands, is contrary to the intent of the deponent.—Saith, He could not rest satisfied with such verdict; and therefore the deponent made this affidavit.

GEORGE DODSON, of Shenfield, in the county of Essex, Esq; saith, He served on the jury, at the trial of this cause, at the last assizes, held, &c. That this deponent, on the evidence given him on the said trial, was of opinion, *That the defendant put three ducats into the prosecutor's pocket; but the same was not done with intent to charge the prosecutor with robbery, or felony, or any other offence, with any evil intent.*—The deponent saith, The jury did agree to give their verdict, That the defendant was guilty of putting three ducats into the prosecutor's pocket, by reason it was sworn to that effect; and such was the verdict intended to be given; the deponent apprehended he, and the rest of the jury, had given such verdict: but the deponent hath lately been informed, That the verdict recorded finds the defendant guilty on the third count in the indictment, which, the deponent is also informed, is finding the defendant guilty of putting the said three ducats into the prosecutor's pocket, with a most malicious, wicked, and cruel intention, falsely to charge, and cause it to be believed, that the prosecutor had robbed the said defendant of the said three ducats: whereas the deponent, and the rest of the jury, did not find the same was done with such intent, *or any intent whatsoever*.—And the deponent saith, That, when the judge, who tried the cause, did explain to the deponent, and the rest of the jury, the nature of the indictment,

ment, the *deponent* did reply, *We find guilty of No Intent*: but cannot say, whether the judge heard him.—The *deponent* saith, That the verdict, as it now stands, is con-

trary to the intent of this *deponent*.—Saith, He could not rest satisfied with such verdict; and therefore made this affidavit.

John Morley, of Halstead, Esq;
Rob. Clarke, of Little Baddow, Esq;
Thomas Brograve, of Great Baddow, Esq;
John Godsalve, of Gr. Baddow, Esq; } Sworn, 23d of April, 1752,
by Rich. Rayment, commissioner, at their own houses.

John Olmius, of Boreham, Esq;
Daniel Stratton, of Bromfield, Esq; } Sworn, the same day, by the said commissioner, at the Saracen's head inn, Chelmsford.

George Dodson, of Shenfield, Esq;
Henry Hall, of Hutton-hall, Esq; } Sworn, 22d of April, by Brown Chambers, commissioner, at their own houses.

Poulton Allen, of Barking, Esq;
Peter Godfrey, of Woodford, Esq;
Samuel Ruggles, of Barking, Esq; } Sworn, 22d of April, before Judge Wright.

John Hornby, of Ingatestone, Esq; } Sworn, 27th of April, in court.

SECT. VII. An affidavit, tending to prove the Jury's due recording Henry Simons's conviction in publick court.

CORNELIUS NORTON, of Red-lion-street, Clerkenwell, in the county of Middlesex, solicitor for the prosecutor in this cause, maketh oath, and saith, He was present in court when the jury, who tried this cause, publicly delivered their verdict: the *deponent* saith, The account thereof, and the whole transaction relating thereto, is hereafter impartially set forth, according to the best of the *deponent's* knowledge and belief.—First, the *deponent* saith, That, about one of the clock of the next day, after this cause was tried, the jury, who tried the same, having assembled together, came into open court, and, having been called over, respectively answered to their names: they were asked by the associate, Whe-

ther they did abide by the verdict they gave his lordship in private? To which the foreman of the jury, or one of them, answered, They did. Upon which the associate replied, Then this is the verdict, You find the defendant guilty. By which this *deponent* understood, they found the defendant guilty generally on the indictment. For immediately thereon, the Honourable Mr. Justice Foster, who tried the cause, got up, and told the jury, That he apprehended they could not find the defendant guilty of the whole indictment; for that the prosecutor had not given evidence to support the first and second count laid in the indictment: but he thought there was evidence to support the third count: and then the said Mr. Justice Foster took great care and pains to explain the difference between the several counts, and declared it, as his opinion, That, if they found the defendant guilty of the said third count

count, they should acquit him of the rest.—Whereupon George Dodson, Esq; who was one of the jury, declared himself to the court, That they found the defendant *guilty of No Intent*, or to that effect.—To which the honourable judge replied, Then you must acquit him; *for it is the intent constitutes the offence.* or to that purpose: and recommended it to the jury to go out, and reconsider of their verdict.—In answer whereto one of the jury replied, My Lord, we have considered it as much as we could consider it.—The deponent saith, He believes that thereupon the judge read, or ordered to be read, the said third count; and asked the jury, *If they believed the witnesses?* and some one or more of them answering, *They did;* the judge said, Gentlemen, you must connect the whole evidence together. Whereupon the jury appeared to the deponent to consider of what the judge said to them; and in a short time, as the deponent apprehends, brought the defendant in *guilty of the third count in the indictment*, and acquitted him as to the rest: and the verdict recorded in that manner.—The deponent saith, That, after the verdict so recorded, they were desired to hearken to it; the associate said, Gentlemen of the jury, you find the defendant *guilty of the third count in the indictment*, and acquit him of all the rest.—In answer to which, they some one or more of them answered, *Yes;* and withdrew from the bar seemingly well satisfied.—Saith, He stood very near to the jury, when they delivered their verdict, and heard distinctly the whole that passed on that occasion: and the deponent *does not remember, in his conscience, that there was a great croud or noise in the court at that time.*—Saith, That the whole transaction above related is impartially set forth, as

the deponent believes: and that, if the deponent hath made any mistake therein, positively saith, it is not by design: and humbly submits the truth thereof to the honourable judge who tried the said cause.

Sworn before
Judge Foster.

C. NORTON.

SECT. VIII. The proceedings grounded on the Jurymen's affidavits, by which a New Trial was granted for the same fact: and the methods made use of in obtaining a verdict against me, and others, at the suit of Simons, for two hundred pounds, on a *mistake* in the warrant for apprehending him for perjury.

THESE affidavits of the jury being obtained, another application was made to the court of King's Bench; whereupon the court was pleased to make a rule for me to shew cause, *Why a new trial should not be granted?* which being spoke to by NINE several Counsel, who took up the court several days in the hearing, the court was pleased to adjudge a NEW TRIAL; which is the first precedent of the kind to any person who had been convicted of a criminal offence.

In the mean time actions having been brought against me, as the prosecutor, the constable, Richard Taylor, and John Newman, on account of Mr. Ford's altering the warrant, as before set forth in the evidence of John Newman (mentioned in the preceding trial) and thereby ignorantly detaining the said Henry Simons illegally in custody, till the warrant was properly backed. This cause was tried before the lord chief-justice Lee, at Guildhall, London, the 9th day of July,

July, 1752, where such a number of *Jew-witnesses* were produced, and some others, who swore so very extraordinarily, that the jury were induced to give a verdict for Two HUNDRED POUNDS against me, Richard Taylor, and John Newman.

When the SECOND TRIAL of Henry Simons came on, a gentleman promised me to go down to Chelmsford to take the trial in short-hand, and a place was taken

for him in the coach for that purpose; *but he was by some means prevented*, so that I have it not in my power to set out the trial at large; but, by the assistance of several gentlemen in court, who took notes, I am enabled to give the publick the substance of it, as follows, which may be depended upon as strictly true in every particular; and which corresponds with what the other side have published themselves.

SECT. IX. The substance of the second trial of Henry Simons, the Polish Jew; (for the same fact of which he had before been tried and found GUILTY). Tried at the Summer Assizes, at Chelmsford, for the county of Essex, before the honourable Mr. Justice Denison, 1752.

The names of the Jury.

Walter Vane, Esq;
Thomas Smith, Esq;
Robert Andrews, Esq;
Samuel Savill, Esq;
Thomas Stubbing, Esq;
Joseph Clarke, Esq;
Thomas Sewell, Esq;
Matthew Howland, Esq;
Bennet Clere Rand, Esq;
John Lawton, Esq;
George Mead, Esq;
Samuel Pilbrow, *carpenter*.

The Jurymen's Oath.

You shall well and truly try, and a true verdict give, between our sovereign lord the King and Henry Simons, according to your evidence.

JAMES ASHLEY, of Breadstreet, London, deposed in substance as in the former trial.

ISAAC HUBBARD, of Witham, innholder, deposed in substance as in the former trial; delivering his evidence with so little variation, that it is not material to set it forth again.

ELEANOR BROWN, cook, at the Saracen's head, Chelmsford, in the long course of her examination, by the defendant's counsel, did not vary from what she had deposed at the first trial.

DANIEL GAMES, of Chelmsford, sadler, delivered his evidence almost word for word as in the first trial.

N. B. Actions being brought, and process issued out, against Daniel Hughes, at the suit of Henry Simons the Jew, on account of the mistake in the warrant, as before set forth, and a verdict of 200 l. having been obtained against Richard Taylor on the same, they were obliged to quit the country; so that there was no possibility of subpœnaing them.—And John Newman, having been lately taken into the service of Mr. Smith, who was concerned for the Jews in the crown-office, and on a subpœna taken out in that office, he was no more to be seen; though diligent search was made after him by persons

sons attending there, most of the office hours, and waiting at the door of his lodgings, late at night and early in the morning; and did not appear till after the prosecutor's attorney was obliged to set out for Chelmsford.

The prosecutor, being thus deprived of these three material witnesses, was obliged to produce other witnesses, not examined on the first trial, being John Levet, Thomas Mayhew, Sarah Crabb, and Sarah Penny; and the reason why they were not examined before was, The court was so fully satisfied in the evidence given of the defendant's GUILT, that the counsel for the crown thought it needless to call them: though at the same time acquainted the court, they had these witnesses to call.

SARAH PENNY deposed in substance as follows: That she was a servant at the Saracen's head inn in Chelmsford: that she saw the Jew make several attempts at Mr. Ashley's right-hand coat-pocket, Mr. Ashley standing, and the Jew sitting, by the fire-side next to him: that she saw his hand about Mr. Ashley's right-hand coat-pocket; and that he then presently said, *You have got my gilt; you have got my ducats; you have robbed me:* on his so saying, Mr. Ashley seemed much surprised, and asked the Jew, What he meant by it? That, on a gentleman's searching Mr. Ashley's left-hand coat-pocket, the Jew said, *Not in that pocket; but in t'other pocket:* that Mr. Ashley, pulling out his handkerchief out of his right-hand coat-pocket, a ducat came out with it; and Mr. Ashley, putting his hand into his pocket, found two more: that the Jew then cried out, *dey be mine ducats; dey be mine ducats; you have robbed me.*

SARAH CRABB deposed as follows: I am chambermaid at the Saracen's head; I was in the room, and heard the Jew say to Mr. Ashley, *You have got my gilt, my ducats, my ducats, my gelt,* in broken English so as I could understand him: that Mr. Ashley not understanding what he said; he asked him, What he said? that Mr. Newman told him he said, *He had got his ducats, he had robbed him;* and asked him to let him feel in his pockets: that then Mr. Newman put his hand into Mr. Ashley's left-hand pocket, and pulled out a pocket-book, and held it up; and the Jew then said, *My gilt be in the right-hand pocket, my gilt, my gilt:* that then, Mr. Ashley pulling out his handkerchief, out dropped a ducat; and the Jew flew up out of his chair, and seemed flushed with joy, and said, *It was his gilt:* that, a man holding him down in his chair, Mr. Ashley said, *That rogue has put that money into my pocket;* and then put his hand in his pocket again, and pulled out two ducats and some walnuts; I saw Eleanor Brown hold up her fist at him, and said, *She saw his hand in his pocket:* and I heard her tell Mr. Ashley, when he came into the kitchen, *She saw him put his hand into his pocket:* and that, Mr. Alderman Gascoigne came into the room, and sealed them up in a paper.

THOMAS MAYHEW, of Witham, deposed, That he saw Henry Simons the Jew take out of his purse, or belt, some pieces that looked like half guineas: that he saw him have them between his two first fingers and thumb of his right-hand, and there held them a considerable time, till Mr. Ashley came into the room: that the Jew then called to Mr. Ashley to speak with him; when Mr. Ashley stooping down

down to hear what he had to say, *he saw the Jew put his hand into Mr. Ashley's right-hand coat-pocket, with his fingers and thumb closed together, between which he saw something yellow; and then saw the Jew pull his hand out of Mr. Ashley's pocket, his fingers being unclosed and open, without those pieces he had before seen: that after this the Jew cried out, You have robbed me! you have robbed me! that, whilst Mr. Ashley's left-hand coat-pocket was searching, the Jew cried out, De gilt be not dere; de gilt be not dere; and, pointing to the right-hand coat-pocket, cried, Dere be de gilt; dere be de gilt: that this witness then said to the Jew, You villain, I saw you put them in yourself.*

On his cross-examination he further said, That he, this witness, fixed his eyes upon the Jew, and never took them off: that the Jew had three fingers together and his thumb, and extended his little finger: that they were on his belt or girdle; and, while I was talking to Mr. Newman, the Jew lifted up the flap of Mr. Ashley's right hand pocket with his right-hand, and clapped something in: that he, this witness, saw something shining, yellow, like gold: that, while Mr. Ashley was listening, he saw the Jew look about to see who perceived him: that his hand was out in a moment; that he put his fingers in the same manner again on his sash; that then the Jew shook his hands, and said, *You rob me, my moneys, my gilt!* that, while Mr. Ashley's left-hand coat-pocket was searching, the Jew cried out, *Not there! this pocket! the other pocket!* pointing to it, which was the right; and saying, *Dere be de gilt! dere be de gelt!*

JOHN LEVETT, of Chelmsford, being called, was ready to give his affirmation, in confirmation of all Mr. Mayhew had deposed;

but, being one of the people called Quakers, and it being insisted on by the defendant's counsel, that his affirmation should not be admitted, he could not give his evidence.

And although myself, and the other six witnesses, were under examination, and cross-examination, upwards of seven hours, by no less than eight counsel, yet there was no contrariety throughout the whole.

Here the counsel for the prosecution rested it.

And the defendant's counsel, not having one witness to call to falsify, or invalidate, what the prosecutor's witnesses had proved, *they then set up a most unexpected and uncommon sort of defence*, which the prosecutor appeals to the whole world, how relative it is to the crime proved upon the defendant.

THE DEFENCE.

HYAM LEVI (Jew) deposed to the purport following: That Mr. Ashley and another man came to his brother Abrahams house, in Duke's-place; that Mr. Ashley asked for Mr. Abrahams, his brother-in-law; that he was shewn into a room; that Mr. Ashley pulled out some ducats, and desired Mr. Abrahams to tell him the value of them; that his brother Abrahams called for scales and weights, and weighed them; that some of them had holes in them; that Mr. Abrahams said, That those that had holes in them were worth 8s. and 8s. 6d. and those without 9s. and 9s. 6d. a-piece: and that then Mr. Ashley took a piece of paper, and made a computation what 554 ducats, at 9s. 6d. a-piece came to; that on this witness recollecting, that Simons the Polack had been robbed, he went to his lodgings, and asked him, If any of his ducats had holes in them? that the Polack said, He had lost a great many which had holes in them; twenty, or more; that

that his wife, his children, his nieces, and all his family, took the ducats from their necks and ears, and gave them to him, in order to make him a great merchant in England: that Mr. Ashley said, He was a silversmith; that Mr. Ashley and his brother Abrahams were intimately acquainted.

To confirm this evidence of Hyam Levi, they called one

ELIZABETH WARD *, who deposed to the purport following: That she was a servant to Mr. Abrahams, Mr. Levi's brother-in-law; that she saw a tall man in grey, with another man; that they went into a room; that she remembers Hyam Levi's coming in there; that she had seen Mr. Ashley there twice, and that the last time was with Hyam Levi; that then she saw some *pieces of gold* upon the table, some large coin, and some of the size of *half guineas*; but would not take upon her to swear they were *ducats*.

[On this woman's giving such evidence, Mr. John Ellis, of Southwark, tanner, a person of known reputation and probity, who stood near the judge, spoke in court, and desired he might be heard; upon which he was sworn, and deposed as follows.]

JOHN ELLIS deposed, That he had known this woman many years; that she was a common prostitute, a whore, plying about the streets; that she is a person of a profligate life, and of such an infamous character, that no credit ought to be given to her evidence.

MARGARET GOUGH † deposed, That she lived servant with Mr. Abrahams in Duke's-place;

that she saw Mr. Ashley there several times; that he used to come with his hat flapped.

Here Mr. GURNEY deposed, That Mr. Ashley swore, on the first trial, that he had not been in Duke's-place for four years.

Mr. Barnard, the Jew's solicitor, being asked, Why he did not produce *Abrahams*, at whose house this transaction was so sworn to be done? answered, He had his REASONS why he would not subpoena him; that he was a bad man; or in words to that effect.

JOSEPH ISAACS (a Jew) deposed to the purport following: That, on Sunday the 6th day of October, he and Henry Simons were travelling together, and Mr. Ashley met him in a chaise near the Rising-sun in Ilford road; that he drove up pretty close to him; that he should ask Henry Simons, If he was the man that was robbed by Goddard? he gave him no answer; that then he saw Ashley put his whip out of his right-hand, into his left-hand, and take out of his right-hand coat-pocket a *handful of ducats*; that it was broad day-light; that the Sun shone in his face; that it was an hour high, and that he was sure they were *ducats*.

Here Mr. ASHLEY was again called, and confronted with Hyam Levi, Elizabeth Ward, Margaret Gough, and Joseph Isaacs.

When, Mr. Ashley declared to the following purport: That there was not one word of truth (so far as related to him) in any thing either of them had sworn; but that all of it was a contrivance: that he had not been in Duke's-place for at least seven years: that he knew nothing of, nor had he any acquaintance

* This woman was not heard of on the first trial.
was not heard of on the first trial.

† This woman

with *Jacob Abrahams*, at whose house the said Hyam Levi, Elizabeth Ward, and Margaret Gough, swore he was at: that he never saw, to his knowledge, Hyam Levi, before he saw him in court, at the last assizes: and as for the women, he never saw either of them till now in court: and that the evidence given by Joseph Isaacs is all a fal-
 sity: and then Mr. Ashley further said, *This I swear and declare before GOD, in whose presence I now stand, and on whom I call to witness the truth, as I shall answer at his great tribunal* *.

WILLIAM PAYCE, waterman at Harwich, deposed to the pur-
 port following: That Henry Simons came over in August last to Harwich; that he searched him, and found he was possessed of *some ducats*.

Nine Jews more were called, some to prove that Henry Simons could not speak English; some to prove him to be a religious man, and that he constantly attended the synagogue; some to prove that they saw him possessed of 554 ducats; some to prove he was extremely poor, and pawned his veil; some to prove one thing, and some to prove another, that had not the least relation to the charge of which he stood indicted. Several of which Jews, besides many other persons, gave evidence on this trial, which did not on the last trial.

Then Mr. Alderman Gascoigne, and the Rev. Mr. Tyndal, a justice of the peace for the county of Essex, were called, when

* *I am threatened to be indicted on the evidence of these four Imp--us Wr-t-hes, for that I had sworn I had not been in Duke's-place for several years, and had not seen a ducat.*

Mr. Alderman GASCOIGNE deposed the same as at the former trial; (see page 15, foregoing) and

Mr. TYNDAL deposed to some transactions, when Simons was before him at Chelmsford, which had not any affinity to the indictment.

Upon the whole, on this Second Trial, the jury acquitted the defendant.

SECT. X. Remonstrance on the Second Trial.

AN affair of so extraordinary a nature, as the acquitting a man for a crime, of which he had been before publicly and legally convicted, has drawn, and will, no doubt, greatly engross the attention of the public; but, as I am the sufferer in this unprecedented case, surely I have a right to complain, and point out that grievance, under which I apprehend myself most unjustly oppressed; in doing which I am only assuming the birth-right of every Englishman. I complain not against the law, nor those who administered it; my affliction arises from another cause, from the *artifices of those whose consciences could be so steeled against the very truth itself*: therefore, in order to confront these invidious enemies, I thought it proper to exhibit the following affidavits.

SECT. XI. The prosecutor's affidavit respecting the whole.

JAMES ASHLEY, of Bread-street, London, maketh oath, That, on the 4th day of September, 1751, he received the following letter.

“ S I R,

"SIR,

"I am know Lebaring under
 "this most unhappy and Torries
 "pice of Villineay that has been
 "Lodg'd to my Charge, witch I
 "Beg the Faver of you and Mr.
 "Leach to mett at the Cannon
 "Tavern, Chearing Crafs, whear
 "will bee meaney worthey Erinds
 "of mine to ferve me in this De-
 "strefs at thife Time, with abliging
 "me in thife Request I fhall bee
 "your most thankfull Humble
 "Sert. to Comand

4 Sept. 51.

"Jof. Goddard."

11 o'Clock.

To Mr. James Ashley.

Which letter was sent to this deponent's house, in Bread-street, on the same day it bears date, about noon, by Joseph Goddard, who then kept, and who now keeps, the Whitehart-inn at Cranford-bridge, in the county of Middlesex; but as this deponent was then attending at Loriners-hall, as one of the court of assistants of that company, the person who brought the said letter desired, that it might be sent and delivered to this deponent, as this deponent was informed by Thomas Pether, his book-keeper, who brought it to this deponent at Loriners-hall, as aforesaid, where this deponent received, read, and shewed, the said letter to the gentlemen present in court, the original whereof is now in this deponent's custody, ready to be produced.—And this deponent further saith, That he went to the said Cannon-tavern as requested by the said letter; when the said Joseph Goddard acquainted this deponent, that he would surrender on the morrow, to the false charge of Henry Simons the Jew, for robbing him, and intreated this deponent to be present.—And this deponent further saith, That accordingly the said Joseph Goddard

did surrender himself to Justice Fielding, Justice Chamberlayne, and Justice Smith, at the house of Justice Henry Fielding in Bow-street, Covent-Garden; at which time this deponent was present, together with a great number of gentlemen of fortune, reputable tradesmen, and innkeepers; who all declared their opinions, That the said Joseph Goddard was innocent of the crime laid to his charge, which was also the opinion of this deponent, who at the same time saw the said Henry Simons, and took particular notice of him, as he was not only a very remarkable man, but also in a very remarkable and uncommon drefs.—And this deponent further saith, That soon after he was obliged to take a journey into the country on his business; but on his return he found, that the said Joseph Goddard had been tried, and honourably acquitted; as also that the Jew, his prosecutor, was indicted for perjury.—That on the 4th day of October following this deponent went on his own business to Chelmsford, in Essex; and on his return, on Sunday the 6th, in the dusk of the evening, it being almost dark, he met the said Henry Simons about a mile beyond Stratford, whom he should not have known, if he had not been a very remarkable man, and in a most uncommon drefs.—That the next day about noon this deponent acquainted Mr. Ford, who acted as solicitor for the said Joseph Goddard, that he had seen the Jew: upon which the said Mr. Ford prevailed upon this deponent to accompany Mr. Newman, who acted as clerk or agent to the said Mr. Ford, and to take the warrant which was issued out by Mr. Alderman Gascoigne, against the said Henry Simons, for the said perjury; which warrant, as delivered to this deponent, appeared to be a warrant in force for the county of Essex;

Essex; the word *Essex* being in the margin, as is usual in all warrants. — And this deponent knowing, that Mr. Alderman Gascoigne was a verdurer of Epping-forest, and was possessed of a great estate in that county, was not only the more readily himself induced to believe, that the said Alderman was a justice in the commission for the county of Essex; but he was also assured by Mr. Ford, at the time he took the said warrant, that the said Alderman Gascoigne was really a justice for the said county of Essex: on which warrant the said Henry Simons was apprehended, and kept in custody by the constable, Isaac Hubbard, of Witham, innholder, from seven of the clock in the evening, till about ten the next morning, as near as this deponent can remember, before the *mistake* was discovered, that Mr. Alderman Gascoigne was not a justice of the peace for the county of Essex. — That as soon as the said discovery was made, the warrant was backed by a justice of that county; and, although the said Henry Simons had been detained about thirteen hours illegally, unknown to this deponent, and, as he believes, to the constable, then the warrant became legal. — And this deponent further saith, That, by reason of such *mistake*, and illegal detaining the said Henry Simons, an action was commenced against this deponent, and others; upon which, and by *management*, a verdict was obtained for Two HUNDRED POUNDS. — And this deponent further saith, The said Henry Simons, while he was in custody at Chelmsford aforesaid, he has the utmost reason to believe the said Henry Simons did put three ducats into this deponent's pocket, and then charged this deponent with robbing him, as appears to this deponent on the oaths and evidence of the following persons, *viz.*

Isaac Hubbard, of Witham in Essex, innholder, the constable. (See Page 9, foregoing.)

Richard Taylor, of Boreham, in the said county, peruke-maker. (Page 6.)

Daniel Hughes, of Witham, in the said county, taylor. (Page 7.)

Eleanor Brown, cook, at the Saracen's head, in Chelmsford. (Page 7.)

John Newman, clerk to Mr. Ford the solicitor. (Page 8.)

Daniel Games, fadler and innholder, at Chelmsford. (Page 10.)

Sarah Penny and Sarah Crabb, chambermaids, at the Saracen's head inn, in Chelmsford. (Page 25.)

Thomas Mayhew, of Witham in Essex, mariner. (Page 25.)

That, besides the evidence of all the above persons, who have good characters, and in much esteem in their several stations and capacities, this deponent subpoenaed John Levett, of Chelmsford, an eminent shopkeeper, who was called and was ready to prove the fact on Henry Simons; but, being one of the people called Quakers, he refused to swear, and offered to give his affirmation, which the court would not permit, so this deponent was deprived of his evidence. — And this deponent further saith, That whereas Hyam Levi, a Jew, on both trials of the said Henry Simons at Chelmsford, swore to the purport following: "That Mr. Ashley, soon after Goddard's trial, "and some other men with him, "came to his brother-in-law's "house, Jacob Abrahams, in Duke's "Place, and produced ducats, &c. "but that he did not then know it "was Mr. Ashley; that his said "brother-in-law and Mr. Ashley "were very intimate; that he never knew his name was Ashley, "till he now saw him in court, &c."

For

For the rest this deponent refers to the trials.—Therefore this deponent, in the most solemn manner, swears, That he never, to the best of his knowledge, saw the said *Hyam Levi*, before he saw him in court at Chelmsford, on the first trial of Henry Simons; and that every word the said Hyam Levi swore on both the said trials, so far as relates to the said deponent, is all a falsity.—And whereas two persons, who swore by the names of *Elizabeth Ward* and *Margaret Gough*, were produced, to confirm the evidence of the said Hyam Levi on the second trial; this deponent also swears, as he expects mercy from God, that there was not the least shadow, nor one word of truth in all they swore.—And this deponent, in the most solemn manner also swears, and declares, that every part of the evidence of *Joseph Isaacs*, in relation to this deponent's pulling out ducats, shewing him a handful on the road, &c. is all and every part he swore entirely false; for this deponent, to the best of his knowledge, never saw the said *Joseph Isaacs* before he saw him in court, on the first trial of the said Henry Simons.—And this deponent likewise swears, that he never was interested in, possessed of, or ever had seen, to the best of his knowledge and belief, any *ducat* or *ducats*, until *those three* put into his pocket by the said Henry Simons; nor was the said *Joseph Isaacs*, or any other person, by, or near, the said Henry Simons, when this deponent met him as aforesaid.—That it was in the dusk of the evening, and so dark, that, had not Henry Simons been a very remarkable man, and in the same uncommon dress he was in, when before the justices, on Goddard's surrender, this deponent could not otherwise have known him.—The truth of all which, and every part of this

affidavit, this deponent in the most awful manner calls heaven to witness.

Sworn at Islington, *Ja. Ashley.*
this 7th of Febr.
1753, before me,
Rich. Chamberlayne.

JOSEPH ISAACS, the pocket-maker, having sworn on both trials of Henry Simons the Jew:—
“ That he was with him, when I
“ met him between Ilford and
“ Stratford; that he saw me pull
“ out a handful of ducats; that I
“ was in a chaise; that I shook
“ them in my hand; that he was
“ very positive they were *ducats*;
“ that it *was broad day-light*; that
“ *the sun shone in his face*, and was
“ *an hour high*; and that he was a
“ woman's pocket-maker, and lived in Rosemary-lane.”—I solemnly declare, when I left my company at the Green-man at Ilford, it was almost dark; and after I parted with my said company, who were determined to stay all night there, I called and took eighteen pennyworth of punch at the George in that town (a customer of mine) and staid so long, that I was advised to get on as fast as I could, for fear I might get some accident in the dark: and that, opposite to the Swan at Stratford, I met Mr. Robert Payne of Ilford, with whom I went to the Swan, and drank half a pint of wine with him; and it was then so dark, that the drawer brought a candle into the room where we were:—The truth of all this is ready to be verified by Mr. George Unwin, an attorney of this city; Mr. John Overy, Mr. Robert Payne, both of Ilford, besides by several other gentlemen, whose company I was in, both at the Green-man and at the George.

SECT. XII. An affidavit of two persons, tending to prove, that that part of Joseph Isaacs' evidence relating to his place of abode, is not true.

ROBERT JONES and SAMUEL WALLIS, both of Bread-street, London, Porters, make oath and say, That, being informed, that one Joseph Isaacs, a Jew, gave evidence on both the trials of Henry Simons the Jew, at Chelmsford; and that he swore himself to be a woman's pocket-maker, and that he lived in Rosemary-lane: these deponents swear, they have made most diligent enquiry after the said Joseph Isaacs, in Rosemary-lane, and in all the courts and alleys in the said lane, going up one side of the way and coming down the other, and enquired almost at every house both private and publick, (several of which were inhabited by Jews) and that, notwithstanding such diligent enquiry, no such person was to be found or heard of, nor had there been any such inhabiting or living in the lane, or thereabouts, either as house-keeper, lodger, stall-keeper, or in any capacity whatsoever, to the remembrance of any of the inhabitants there. — And these deponents farther say, that, by such their strict enquiry they made, they think it morally impossible such a person could have ever lived there, but they should have heard of him; for which reason these deponents verily believe, that no such person did ever live or inhabit in the said lane, or in the neighbourhood thereof.

Sworn at Guild-
hall, the 2d
day of Febr.
1753, before
me

Rob. Jones,
Sam. Wallis.

Crispe Gascoigne, Mayor.

SECT. XIII. The affidavits of five persons, clearly demonstrating, That *the evidence of Hyam Levi cannot be true*; in which is comprised a copy of a letter, from the Great Aaron Franks, the Jew, to Mr. Lazarus Simons, overseer of the synagogue, relating to Jacob Abrahams, a Jew.

JAMES ASHLEY, of Bread-street, London; Thomas Pether, book-keeper; George Horshlyham, cellar-man; Robert Jones, porter; and Elizabeth Poyner; all servants to the deponent Ashley, all whom (except the said Elizabeth Poyner) maketh oath and say, That some few days after the trial and conviction of Henry Simons the Jew, last Lent Assizes at Chelmsford, one Jacob Abrahams, a Jew, came to the deponent Ashley's house, with one Mr. Newman, an attorney. — That the said Newman, on his coming, desired Mr. Ashley to call his servants into the compting-house, and then, in the hearing of all these deponents (except Elizabeth Poyner) asked the deponent Ashley, *If he knew, or ever before saw, the said Jacob Abrahams?* the deponent Ashley replied, *That he never did, to his knowledge, remembrance, or belief.* — That then the said Newman asked the said Jacob Abrahams, *If he had ever seen the deponent Ashley before, or ever had any dealings or transactions with him?* — and he declared, *He never had;* or to that effect. — That Jacob Abrahams said, That he heard that one Hyam Levi, a wicked brother-in-law of his, had been down at Chelmsford, and swore to a transaction about ducats, &c. as being transacted and done with the said Abrahams, and in his house,

house, which the said Abrahams declared *was every tittle of it a most notorious falsity; a feigned made up story, and without the least shadow of truth; and that he thought it his duty, as an honest man, to let the deponent Ashley know it; and that he was ready and willing, if lawfully compelled by subpoena, to prove the same on oath in any court of justice; or words to that or the like effect.*—And all these deponents (except Thomas Pether) say, That a few days after the said Jacob Abrahams brought his wife with him, to the deponent Ashley's house, and there, in the hearing of these deponents, asked his wife, *If she had ever seen Mr. Ashley before, and if it was possible for Mr. Ashley to come to their house, but she must know it?*—and she answered, *She had never seen Mr. Ashley before; and that, by reason she is almost continually at home, it was morally impossible such a transaction, as Hyam Levi had sworn to, could be transacted at their house, but she must know it; and said, She thought it her duty, and her husband's duty, to be assisting in bringing to justice so wicked a man, who could swear to such a transaction that never was; or words to the same purpose as near as these deponents can recollect.*—And these deponents further say, That they, the said Abrahams and his wife, declared their great willingness, that, if the deponent Ashley would indict and prosecute the said Levi, they would both, if compelled by subpoena, attend the grand jury, and prove the perjury upon him; or words to that or the like effect.—To which the deponent Ashley replied, in the hearing of these deponents, That he had already too much on his hands in the prosecuting Simons the Jew, and that he should chuse, rather than to be at

that expence and trouble as must attend such a prosecution at Chelmsford, that his wickedness should go unpunished.—And these deponents, George Horslyham and Robert Jones, say, That Mr. Abrahams, being desired by the deponent Ashley, to make an affidavit of the truths which he had before related, in order to be published in some daily News-paper, that the world might see and know what wicked methods had been made use of to injure the deponent Ashley's character:—To which the said Abrahams objected, and said, That he had been insulted, and most outrageously abused, by the Jews, for voluntarily giving evidence on behalf of Goddard; and that if he was to make such an affidavit, and was it published, he believed the Jews would kill him; but if he was compelled by subpoena &c. to give his evidence in any court, he would prove all he had before related; or words to that or the like effect.—And this deponent, Robert Jones, says, That, in order to convince the deponent Ashley of the reality of this, he took a letter out of his pocket from the *Great Aaron Franks*, the head or ruler of the synagogue, directed to Mr. Lazarus Simons, overseer of the same; which letter the said Abrahams permitted the deponent Ashley to take a copy of in the presence of this deponent Jones; which being read, and compared with the original, the copy is as follows:

Dear S I R,

I find it highly necessary, that since the affair is over, that we take care that no insult is offered to the bearer; for which reason I am of opinion it ought to be called out in the Synagogue; for if it should be known, that a man is insulted because he appeared

F

to

*to give a Christian a character, it
may prove of bad consequence.*

Your friend,

Aaron Franks.

*Please to let it be done
next Sabbath.*

To Mr. Lazarus Simons,
Thursday morning.

And this deponent, James Ashley, says, That he believes the said Jacob Abrahams and his wife to be very honest and conscientious persons, and would be ready to disclose, discover, and swear the truth, if compelled by subpœna: but, for the reasons as aforesaid, they dare not make a voluntary affidavit to publish in the manner this is intended.—And, lastly, this deponent further saith, That he never, to the best of his knowledge, remembrance, or belief, saw the said Abrahams, or his wife, before he saw them at his house, as aforesaid: and that he never saw Hyam Levi till at Chelmsford, giving evidence as aforesaid: and that he has not been in Duke's-place for many years; nor did he ever see a ducat, to his knowlege, in his whole life, before those put into his pocket by *Henry Simons* the Jew.

Sworn at Iron- *James Ashley,*
mongers-hall, *Tho. Pether,*
London, 22d *Geo. Horshyham,*
day of Sep- *Rob. Jones,*
tember, 1752, *Eliz. Poyner.*
before me,

Rob. Alsop, Mayor.

SECT. XIV. The affidavits of two persons, and another of one person, respecting the life and character of *Eliz. Ward*, one of the Jew's witnesses.

JOHN ELLIS, of St. Mary Magdalen Bermondsey, tanner,

maketh oath, That he was present, and heard the trial of *Henry Simons* the Jew, at last Chelmsford assizes, on the prosecution of *James Ashley*, of Bread-street, London, and heard one *Hyam Levi* give his evidence thereon; to support whose evidence a person, who swore in the name of *Elizabeth Ward*, was called, which said person, this deponent saith, he hath known many years; that she is a most notorious wicked woman, a common prostitute, a street-walker, a strumpet, or whore; that she has a long time been a common nuisance in this deponent's neighbourhood; and that, upon the whole she is, to this deponent's knowledge, a most profligate and abandoned wretch, whose oath this deponent sincerely believes is not to be credited.—And **THOMAS GARDNER**, of the same parish and neighbourhood, sadler, maketh oath, That he also knows the said *Elizabeth Ward*; that she kept a house of most notorious ill fame; that she is a common prostitute, street-walker, strumpet, or common whore; and has a long time lived in this deponent's neighbourhood a publick nuisance, and on whose oath this deponent believes no credit ought to be given.

Sworn at Ironmon- *John Ellis,*
gers-hall, London, *Tho. Gardner.*
the 20th day of
Oct. 1752, before
me,

Rob. Alsop, Mayor.

Surry, **ANN KEABLE**, wife of *to wit,* **Alexander Keable**, of the Grange-road in the parish of St. Mary Magdalen, Bermondsey, in the county of *Surry*, mariner, maketh oath, That the person, who (at the last Assizes held at Chelmsford in the county of *Essex*) swore

on the behalf of Henry Simons the Jew, in order to support the testimony of one Hyam Levi, as this deponent is informed and believes, *and swore by the name of Elizabeth Ward*, is sister-in-law to this deponent, and own sister to this deponent's husband: and this deponent saith, that *the name Elizabeth Ward is only a feigned name*, her real name being *Elizabeth Crossfield*, and has been so several years.—And this deponent further saith, that, soon after the said trial, the said Elizabeth Crossfield, who so swore by the name of Elizabeth Ward, came to this deponent's husband's house, in a coach, and then told this deponent, *she was to be well rewarded by the Jews on account of going to Chelmsford, for swearing as she did by the name of Elizabeth Ward*; and that when she had received her money, she would give this deponent's little daughter a new frock.—And this deponent saith, that the said Elizabeth Crossfield, who so swore by the name of Elizabeth Ward, now lyes-in with a bastard-child, in the workhouse at Rotherhith, in the county of Surry; and, in order to obtain admittance there, *swore herself to be Elizabeth Crossfield, wife of Richard Crossfield*; and that the child was begotten by him, although, to this deponent's knowledge, he had been at sea eighteen months, and did not return till within four months of her delivery.

Sworn this 3d day *Ann Keable.*
of Febr. 1753,
before me,

Tho. Bevois.

* See Sessions-paper, No. VII. for the year 1751, page 243.

† Ibid, page 244.

SECT. XV. The affidavits of two persons, tending to prove, that one of the Jew's witnesses sworn to be a merchant, and wearing a gold watch, is all an imposition on the world; and setting forth the miserable condition and station of life he is in.

ROBERT JONES, of Breadstreet, London, porter; and RICHARD TEMPLE, of the Poultry, porter; severally make oath; and first this deponent, Robert Jones, saith, That he hath made diligent search and enquiry after one Hyam Levi, whom one Henry Simons, a Jew, on the trial of Goddard *, swore (as he is informed) the said Levi to be a merchant, and that he bespoke watches of him to the value of one hundred pounds; and which is the very identical Hyam Levi, who, on the trial of the said Goddard, swore, that Henry Simons wanted to buy a gold repeating watch, and asked him thirty guineas for it †; (this deponent being in court.) And is the very same Hyam Levi, as this deponent is informed and verily believes, that swore at both the trials of Henry Simons at Chelmsford, lives in Duke's-place, keeps a barber's shop, and shaves for a penny; a nasty, dirty, poor, mean dwelling: that this deponent hath been shaved there several times, and never paid any more, which was always received with great thankfulness.—And this deponent, Richard Temple, saith, The said Hyam Levi keeps a barber's shop,

and shaves for a penny, in Duke's-place; and that he has been there shaved for a penny.—And both these deponents say, they believe him to be miserably poor, and, by all appearance, to be in a state of want and indigence; and, what confirms them the more in this belief is, they know he has been summoned into the court of conscience, and there pleaded poverty; and the commissioners of that court, in commiseration of his low and miserable circumstances, admitted him to pay his debt at a small monthly proportion *.

Sworn at Ironmongers-hall, London, 22d of September, 1752, before me,

*Rob. Jones,
Rich. Temple.*

Rob. Alsop, Mayor.

SECT. XVI. The affidavits of six persons, tending to prove the improbability of the evidence of *Simons* and *Levi*.

THOMAS WEBB, of Whitefriars, London, fellowship-porter; Thomas Lovelidge, of Chancery-lane, London, porter; Charles Bradford, of Bishopsgate-street, London, porter; John Gorman, of Thames-street, London, porter; Moses Irons, of the Fleet-market, London, porter; and John Hacker, of Fleet-ditch, London, porter; severally make oath, and say, That they have all, and each of them, made diligent enquiry after one Hyam Levi, who, as these deponents have been informed by

the neighbourhood, and who they sincerely believe is the very same Hyam Levi who † *Simons* the Jew, on the trial of *Goddard*, swore to be a merchant, and is the very same Hyam Levi, as these deponents believe, who swore ‡, on both the trials of *Simons* the Jew, on the prosecution of Mr. James Ashley, of Bread-street, at Chelmsford Assizes; and all these deponents have found, on the strictest enquiry, both from Jews and Christians, in the said Levi's neighbourhood, *That the said Hyam Levi's having been a merchant, and wearing a gold watch* ||, is all a notorious falsity, and an imposition on the world.—And all these deponents further swear, That the said Hyam Levi keeps a nasty, poor, dirty hole of a shop, and shaves for a penny, in Duke's-place, near Aldgate: and that every one of these deponents have been shaved at his shop for a penny each, which penny was received with great thankfulness: and they all say, they believe him to be miserably poor, and that all the goods about him appeared not to be worth twenty shillings: and that, by all they can learn by their best enquiry, the said Hyam Levi never was in any better station or condition of life, than that of a common penny-barber.

Sworn at Ironmongers-hall, London, the 20th day of Oct. 1752, before me,

*Tho. Webb,
Tho. Lovelidge,
Cha. Bradford,
John Gorman,
Moses Irons,
John Hacker.*

Rob. Alsop, Mayor.

* *Abboff, plaintiff,* } *See the books of that court, August, 1752.*
 Levi, defendant. }

† *See Sessions-paper, No. VII. for the year 1751, page 243.*

‡ *Ibid. page 244.*

|| *See Simons's trial foregoing, page 11.*

SECT. XVII. The affidavit of one person, clearly demonstrating the improbability of three of the Jew-witnesses.

DRYDEN LEACH, citizen and stationer of London, maketh oath, That he, being at Chelmsford at the last assizes, there held for the county of Essex, heard, on the trial of *Henry Simons the Jew, one Hyam Levi, a Jew, give evidence to a transaction as done by Mr. Ashley, the prosecutor, with one Jacob Abrahams, a Jew, at his, the said Abrahams's house, in Duke's-place*; and that, the better to induce the court to believe the evidence of the said Hyam Levi, there were called two women, who swore by the names of *Elizabeth Ward and Margaret Gough*, who also swore to the said transaction; therefore, in order to be satisfied of the truth or falsity of what they had so swore, this deponent went to the said Abrahams, at whose house, and with whom, the transaction was sworn to have been done, who told this deponent, that all that Hyam Levi had sworn, and that what these women (sworn by the names of *Elizabeth Ward and Margaret Gough*) had sworn was all a lye; and, if he had been subpœna'd at the trial at Chelmsford, he would have contradicted all that Levi and the two women had sworn, *for he would not have sent his soul and body to hell* (this was his very expression) which expression this deponent understood,

that he would not forswear himself to oblige the Jews, as Levi had done: and the said Abrahams farther declared, That there was not the least colour or pretence for any thing they had sworn; and that every tittle and circumstance, as to Mr. Ashley's ever being at his house in Duke's-place, shewing him ducats, or any other transaction whatsoever, between the said Ashley and him the said Abrahams, was all a feigned made up story; and that, if Mr. Ashley would indict them for perjury, both he and his wife, if subpœnaed, or compelled by authority of any court, would appear and prove the perjury upon them; or words to the like effect.—And this deponent farther saith, that the said Abrahams said, That he had already, by appearing on Goddard's behalf at the Old-bailey (though he spoke nothing but truth) so exasperated the Jews, that they had been 200 l. out of his way; and was afraid, that, if he was now to make an affidavit, it would be his ruin; or words to that or the like effect; which is the only reason, as the said Abrahams told this deponent, why he, the said Abrahams, dares not make an affidavit at this time on this occasion.

Sworn at Guildhall, this 2d day of Febr. 1753, before me,

Crisp Gascoigne, Mayor.

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SECT. XVIII. OBSERVATIONS and REMARKS on the whole evidence.

IT may be just necessary to observe, That Henry Simons, on the trial of Joseph Goddard, positively swore, *That he had been a merchant ten years, (and he is not yet twenty-six) and that he was robbed of 554 ducats; but, on his cross-examination on the said trial, he swore, that only 100 of these ducats were his own; as appears by the Sessions-papers, No. VII. for the year 1751, page 244.*

In what sort of light must his evidence be considered by any man, who reflects upon the important character he assumed, and perceives, by his own acknowledgement, that he had no more than 100 ducats of his own? but, on this occasion, it is not material to say any thing about Mr. Goddard, who was acquitted of that robbery which the Jew had positively swore against him, as it has no strict relation to my affair with Henry Simons; my present business being the vindication of my own character, and the detection of a man, who had notoriously levelled his *revenge against my life*; for to say, that a person, in his necessitous condition, should put the *last three ducats* he had in the world (as it is reasonable to suppose) into the pocket of a man who had just apprehended him for a *criminal offence*, and to do this without *any wicked intent*, nay, *without any intention at all*, is to reconcile the greatest antipathies in nature, it may as well be said; that *Judaism and Christianity* are the same religion.

It is very astonishing, that so plain a fact, as the putting the three ducats into my pocket by Henry Simons, with an intent to charge me with a robbery, which was so

well attested, and so obviously proved, on his first trial at Chelmsford; (see *sect. iv.*) should admit of such an incongruity of opinion between the gentlemen of the jury on the first and second trials; the former of whom *convicted him, not only of putting the ducats into my pocket, but also of doing the same with an intent wickedly and maliciously to charge me with a robbery*; though the latter acquitted him of *the intent*.

What could otherwise be the intent of Henry Simons's putting these ducats into my pocket, if he did not intend to charge me with a robbery? surely it could not be to let me carry them off unnoticed, and leave himself wholly destitute? his taxing me with having them proves the contrary.

The fact was plainly proved beyond all contradiction, and his intent was clearly demonstrated by the evidence who were present when he put the ducats into my pocket. They swear, that he immediately and expressly charged me with robbing him of ducats: he certainly made such a charge; and if he did not do it with *some wicked intent*, it argues him a *lunatick*, or a *madman*; an excuse which was never once pleaded in his behalf.

Could it be imagined, that a man, who had just sworn a robbery against Goddard, of which he was acquitted, would scruple to swear the same crime against another person; and especially to one whose love to publick justice had given Simons an opportunity of thus publicly shewing a *private enmity*? if *it was not his design*, it will be extremely difficult to form any judgment of men from their actions.

The exaggeration in the evidence of Hyam Levi, on the trials of Simons, carries with it an appearance of a very extraordinary nature. If it was the real truth, if there was no latent design in it, why was it not fully represented before? why was his evidence so concise on this material point at the trial of Goddard? and why was it expedient to be so particular in a trial where it was of no importance at all? for the proving of Simons's having a million of ducats in his girdle, when he landed at Harwich, had not the least connection with the crime for which he was indicted; nor is it easy to comprehend for what purpose such great pains should have been taken upon this occasion, if there was not a scheme intended as the foundation of some dark and iniquitous transaction.

As to his evidence about Simons bespeaking watches of him; it appears to contradict itself: for, on Goddard's trial, the same Hyam Levi swears, That Simons wanted to buy a repeating gold watch; and that this witness shewed him one, and asked him thirty guineas for it. This is very different from what he swore at the trial of Simons: he there intimating, that Simons accidentally observed him pull out a gold watch; and positively says, that Simons desired him to help him to two gold repeating watches, which he did not care if they cost him 40 or 50l. apiece. However, by the affidavits, (referred to in sections xiv, xv.) there is the greatest reason to apprehend, that Hyam Levi was never in such circumstances as to be master of a gold watch; and consequently, that whatever has been advanced about Simons bespeaking such valuable watches of him, was an absolute falsity: but, what is more extraordinary, and may serve to confirm this assertion, is, that

Hyam Levi himself swore, upon the first trial of Simons at Chelmsford, *That he himself was a barber*, and was afraid to be arrested for some hair, one day soon after Goddard's trial: so that here he flatly contradicts Simons, who, on Goddard's trial, swore, *That Hyam Levi was a merchant*, and that he had bespoken watches of him to the value of 100l. which, from the account Hyam Levi has thus given of himself, will make it hard for any reasonable man to digest; especially as it is evident, that Hyam Levi has always been in miserable circumstances, and in no other condition in life than a penny-barber. (See *sect. xv.*)

It appears, that the friends of Simons, as they could make no manner of defence against the charge, were determined to use all their endeavours to invalidate my own evidence on the first trial, by contradicting what I had said about my having *never seen a ducat* before I pulled them out of my pocket at Chelmsford; and also what I had said about my not having been in Duke's-place for many years: concerning both which it may not be amiss further to say—

As to my *never having seen a ducat before*; I have since farther corroborated what I had said on my evidence, by my further evidence on the second trial; as also (in *sect. xi.*) where I have positively sworn, "That I never was interested in, possessed of, or ever had seen, to the best of my knowledge or belief, any ducat or ducats, until those three put into my pocket by the said Henry Simons:" which I here again solemnly repeat to be true.

As to my *not having been in Duke's-place for many years*, before the time mentioned by Hyam Levi; I have also corroborated what I had

had said on my evidence, by the above-mentioned affidavit, (in *sect. xi.*) wherein I have sworn, "That what Hyam Levi swore on the first trial, as to my coming to his brother-in-law's house, in Duke's-place, and producing ducats; as also, that his said brother-in-law and I were very intimate, is a most notorious falsity." I have therein likewise sworn, "That what the said Hyam Levi swore on the second trial is also false;" declaring, "that I never saw the said Hyam Levi before I saw him in court at Chelmsford on the first trial; and that every word, the said Hyam Levi swore on both the said trials, so far as relates to me, is all a falsity:" which I here again aver to be truth.

It must be observed, that Hyam Levi, in his evidence on the second trial, omits a great part of what he had sworn on the first trial; advances other things he had not mentioned before; and, upon the whole, manifestly contradicts himself; so as to render his intentions conspicuous to every person who examines his evidence on both trials.

In the first trial Hyam Levi swears, "That I and another person came to his brother-in-law's, and asked him, this witness, If Mr. Levi was at home, &c. That I should come again, and ask him, this witness, about Simons and the ducats; as also, that I should say, Simons was a perjured villain, &c. That I pulled out a pair of scales; and weighed a ducat, &c. and also, that I called myself a Silversmith, and said, That I dealt in ducats."

On the second trial he swears, "That I came into his brother-

"in-law's house; that I was shewn into a room; that I pulled out some ducats, and desired of Mr. Abrahams to tell me the value of them; that his brother called for scales and weights, and weighed them." Here he has evidently contradicted himself, by first saying, *That his brother called for scales and weights*; and afterwards declaring, *That I pulled out some ducats, &c. That his brother Abrahams called for scales and weights, and weighed them, &c.*

What he mentions in his evidence on the second trial, as to his inquiring of Simons, If any of the ducats which he had lost had any holes in them? as also, that Simons told him his wife, &c. took the ducats off their necks, &c. to make him a great merchant; this was not at all hinted on the first trial: but whatever was his view, it sufficiently serves to shew the rank and character of this *opulent merchant*, who was obliged to strip his wife, children, nieces, and all the family, of their very ornaments of dress, to furnish him with the mighty sum of 100 ducats, or 45 l. sterling, to make him a great merchant, and make his fortune in England.

I must beg leave here to refer to the affidavit in *sect. xii.* where it appears, upon my own oath, and the oaths of four other persons, That, some few days after the trial of Simons at Chelmsford, Jacob Abrahams came to my house with Mr. Newman, who, in the presence of the other witnesses, asked me, *If I knew, or ever before saw, the said Jacob Abrahams?* and that I replied, *That I never did to my knowledge, remembrance, or belief.*—It thereby also appears, that the said Newman then asked the said Jacob Abrahams, *If he had ever*

seen

seen me before, or ever had any dealings or transactions with me? who declared, *He never had.*—It thereby further appears, that the said Jacob Abrahams then said, “That he heard one Hyam Levi, a wicked brother-in-law of his, had been down to Chelmsford, and swore to a transaction about ducats, &c. as being transacted and done with the said Abrahams, and in his house, which the said Abrahams declared, was every tittle of it a most notorious falsity; a feigned made up story, and without the least shadow of truth; and that he thought it his duty, as an honest man, to let me know it.”—It thereby likewise appears, That a few days after the said Jacob Abrahams brought his wife with him to my house; and there, in the presence of me, and the other witnesses, asked his wife, *If she had ever seen me before? and if it was possible for me to come to their house, but she must know it?* she answered, *She had never seen me before; and that it was impossible such a transaction, as Hyam Levi had sworn to, could be transacted at their house, but she must know it: and that she thought it her duty to be assisting in bringing to justice so wicked a man, who could swear to such a transaction that never was.*—It thereby also appears, “That the said Abrahams and his wife declared their great willingness, that, if I would indict and prosecute the said Levi, they would both prove the perjury upon him; which I declined for the reasons therein mentioned; as they also did making an affidavit of the above, the said Abrahams saying, That he had been insulted, and most outrageously abused, by the Jews, for voluntarily giving evidence on behalf of Goddard; and that, if he was to

“make an affidavit, and was it to be published, he believes the Jews would kill him;” which he corroborated by shewing me a letter, from an eminent Jew to the overseer of the synagogue, to take care that he was not insulted, since the affair was over; because, this Jacob Abrahams, though produced as a witness for Simons on the trial of Goddard, deposed in favour of Goddard, by saying, *That he travelled with goods, upwards of 400 l. stock; that Goddard was an honest man; that he lay at his house frequently, and was always used well.*

Thus the intentions of Hyam Levi are too plainly and authentically manifested to admit of any farther explanation; and there is the greatest reason in the world to suspect, that the two women, who were produced to corroborate a part of this evidence, were guilty of the same enormity: these were they who swore by the names of Elizabeth Ward and Margaret Gough, who were not produced on the first trial; their evidence was only what Hyam Levi was to say concerning my having been at his brother-in-law's in Duke's-place, and having ducats there.—However, neither of these witnesses take upon them to say, That the pieces of money, they swear to have seen before me, were ducats; and if they had sworn positively, that they were ducats, what honest impartial person could be induced to give the least credence to any thing advanced upon such an occasion, by a woman of so infamous a character as the person who swore by the name of Elizabeth Ward?

In the affidavit, (*sect. xi.*) I have sworn, That the evidence of these two women was false, which, together with what is recited in the affidavit, (*sect. xiii.*) is sufficient to invalidate the testimonies of them

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both,

both, as well as of Hyam Levi; especially, if Jacob Abrahams could be prevailed upon to swear the same himself, which he declines for the reasons above-mentioned.

The friends of Simons not satisfied with what Hyam Levi was to say about my having ducats in my custody, also produced another extraordinary *Jew-witness*, on both the trials at Chelmsford, who said he was a woman's pocket-maker.

The intent of whose evidence, as well as the three others before-mentioned, was only to shew, that I had ducats in my possession; which I have solemnly and repeatedly denied.

He swears, *That I pulled out a handful of ducats*; and I say, *That I never saw one, knowing it to be such, before Simons put the three into my pocket at Chelmsford*; which was two days after the time that Isaacs swears, I pulled them out on the road.

He swears, *That he was close to the side of my chaise*; and I say, *That I saw no-body with Simons when I met him*.

He swore on the second trial, *as to its being broad day-light when I met him and Simons*; *That the Sun shone in his face, and that it was an hour high*.

I not only say, *That neither Joseph Isaacs, nor any other person, was near when I met Simons*; but I also say, *That, when I met him, it was in the dusk of the evening, and so dark, that if Simons had*

not been a remarkable man, I should not have known him; and *I am happy enough to have several worthy gentlemen of this city and others, whose company I was in, to verify the same; and who are ready to contradict what Isaacs has sworn on this occasion*.

As to what Isaacs deposed, about Simons being apprehended, and treated as an *highwayman*, it has been contradicted by two witnesses; and, upon the whole, his evidence appears to be calculated for the same iniquitous purposes as that of Hyam Levi: it could be with no other view, than to attempt to prove the greatest falsity in the world, by thus confidently and impiously swearing, *That I had many ducats in my possession before I apprehended Simons, which I have most solemnly denied, and invoked heaven to witness the truth of what I have said, in opposition to so base, so wicked, and so groundless a charge, brought against me for the sake of revenge, and supported by the poorest, meanest miscreants of the Hebrew faith and nation, who have endeavoured to evade the righteous sentence of the law, by suffering the guilty to escape, and punishing the innocent, through the force of every malicious artifice that could be invented to depreciate the character of a man, whose only crime has been to stand up in vindication of those laws which are the foundation, the strength, and glory of the British nation*.

SECT. XIX. A full CONFUTATION, on oath, of all that has been advanced (so far as respects me) in a pamphlet lately published, intituled, *The Case of Henry Simons*.

JAMES ASHLEY, of Bread-street, London, maketh oath, and faith, That he hath seen and perused a pamphlet, lately published, intituled, *The Case of Henry Simons*; which pamphlet contains very injurious reflections on a person therein mentioned by the initial letters J—s A—y, which, this deponent believes, the author of the said pamphlet levelled against this deponent, intending, by the said initial letters, to have it publickly understood to be the name of this deponent *James Ashley*: therefore this deponent, in full refutation of every thing contained in the said pamphlet (so far as affects this deponent) sweareth and answereth as follows.

1. In page 12. of the said pamphlet, it is inserted, *That I was proposed to be bail for Joseph Goddard*.

I declare this assertion, according to my knowledge of that affair, to be intirely false; for *Goddard never asked me to be bail for him; I never offered it, nor ever heard I was proposed to be such*.

2. In page 21. is inserted an account of my pulling out ducats on the road, when I met the Jew between Ilford and Stratford:—

Every tittle of which I swear to be false. In confirmation of which truth, I refer to the affidavits herein before made.

3. In pages 23, 24, 25. a long laboured story, *That the Jew was put in the cart like a dog; that he was rolled about like a log; —That this deponent should say, He was a villain, and lived by plunder, rapine, and injustice; and, that he picked up a whore, and lay with her at Goddard's, &c. &c. &c.*

All which I swear to be so great a falsity, that there is not the least colour or pretence for what is so asserted.

4. In pages 26, 27. another long story is set out, about the Jew's being searched, and money being found on him at Witham.

I solemnly declare, there is not the least truth therein asserted. *The constable desired a man to put his hand on the outside of the Jew's pocket, to feel if he had any weapons about him; and that was all that gave rise to that lamentable story*.

5. In page 28. is a most groundless story, about Simons's being carried before a justice at Boreham: *That he told the justice, in his language, the story of the robbery by G——d; and that A——y, shewing him ducats the Sunday before, and begging, upon his knees, for a German interpreter, &c.*

This deponent says, That Simons, to this deponent's belief, never saw the justice, neither does this deponent believe, that the justice saw Simons; but that, all the

time Simons was there, he thinks Simons was in an out-office; this deponent and the constable going to the justice in a different room, to advise what was necessary to be done; nor is there the least pretence, or colour of truth, in all this so set forth in the said pamphlet.

6. In page 31. is inserted a most manifest falsity, *That Hyam Levi should swear to the descriptions of the ducats before they were opened in the court.*

This deponent positively swears, *That the first evidence that was given, was by this deponent, who opened the sealed paper, in which the ducats were, and delivered them into court before he gave his evidence, or any evidence was given.*

7. In page 33. it is again inserted, *That the Jew was searched for, and money was found on him at Witham.*

I positively say, It is all untrue, and there was no other search made, as I saw or heard of, than by the order of the constable to a man to put his hand on the outside of his pocket, as is before mentioned.

8. In page 34. it is said, *I prepared the handcuffs.*

I positively deny it; *I was not present, or privy to, nor did I know any thing of it, and expressed great disapprobation when I came to know thereof; on which the constable, and many others in the room, told this deponent, That Thomas Mayhew fetched them from the keeper of the gaol at Chelmsford,*

by Mr. Alderman GASCOYNE's order; and the constable also said, It was by the ALDERMAN's advice and directions they were put on; which is all this deponent knows of the matter.

9. In page 36. a long story is told, about *H—d*, an attorney, an intimate acquaintance of mine, &c.

I declare and swear, *That I know not who is meant by H—d, and saw nothing of the transaction.*

10. Pages 37, 38, 39. relate to matters and things, which the affidavits of the jurymen clear up: to which this deponent refers.

11. In page 55. it is inserted, *that I should swear, The first time I saw Simons was at Mr. Goddard's.*

I declare and swear, *I never did swear so; I appeal to all present.*

As to the rest (though it is a *partial and unjust relation*) this deponent submits to the consideration of the publick, whether, on the author's own shewing, the GUILT of any man was ever made out more clear and evident, than that of SIMONS THE JEW.

Sworn at Islington, *Ja. Asbley*,
the 7th of February, 1753,
before me,

Rich. Chamberlayne.

SECT. XX. An account of a TREATY, held with the *Jew-agents*, setting forth, That (although they had laid out 1300 l. on this occasion) they would accept of 470 l. on condition of my signing a paper, acknowledging myself in *great errors*; and then, and on no other terms, there was to be a perfect reconciliation between me and all their *Tribes*.

A Verdict being obtained against me for *two hundred pounds*, as before set forth, and the cost taxed at *seventy pounds*, application was made by some of my friends to compromise the matter; and several meetings were accordingly had with the agents of the *Jews* for that purpose, who said they had expended, on this account, the sum of *thirteen hundred pounds* *: That they had the advice of several eminent counsel, who told them, they were entitled to bring an action against me for a *malicious prosecution*; and, in consequence thereof, might recover of me what expences they had sustained: *but, out of a tender regard to me, and in compassion to my family, and out of their own natural and merciful disposition, they would condescend to accept of the said 270 l. verdict and cost, with only the farther sum of 200 l. the whole no more than 470 l. and that then there would be due to them, and remain unpaid, of the said sum of 1300 l. the sum of 830 l. which said sum of 830 l. they would most generously forgive me, on my sign-*

ing a paper in the following words:

I James Ashley, of Bread-street, London, brandy-merchant, do hereby solemnly declare, That I have been guilty of very great errors and mistakes, throughout the whole of a prosecution, carried on by me against Henry Simmons, a Polish Jew merchant; and, in full conviction thereof, have hereunto set my hand; and desire the same may be printed for the satisfaction of the world.

And this too was to be printed and published in the Daily Newspapers, as often, and for as long a time, as they pleased; (*but not to be a single penny expence to me*) when there was to be a *perfect reconciliation between me and all their tribes*; but, if I made the least hesitation, and did not in six days comply with this their *most kind and friendly proposal*, I never was to expect *any mercy* from them; but be made an example of to all others, who should *dare meddle*, or make, or in any manner concern themselves with any person whatsoever of the *Hebrew faith*.

* Query, How have they laid out this 1300 l.?

SECT. XXI. The CONCLUSION.

THIS, upon the whole, is my hard and uncommon case: in these circumstances do I stand, and with these injuries am I oppressed (contained in this *just and impartial view of the whole*); where is my crime? what has been my offence? I have charged Simons with nothing but what I have *fully proved*: I have detected him in his villainy, and discovered the falsity of his principal evidence; and the others said nothing material enough to be considered, or refuted.

Instead of invalidating my charge against Simons, they have only attempted to shew, *That I had ducats in my custody before I apprehended him*; which, if true, was quite foreign to the matter in hand: but as it was *impiously false*, shews only the turpitude

of their hearts and intentions. And, as I humbly conceive, if such execrable wretches, as have been produced on these trials, are permitted as *sufficient witnesses*, no persons can be safe from the combinations of people, who are wicked and desperate enough to swear any thing for the sake of interest, or the gratification of revenge: nor can it be imagined, that any indifferent man in his senses, will ever hereafter attempt to apprehend the *most notorious criminal*, the bringing whom to justice can be the only means to preserve the peace and happiness of this nation.

J. A. ASHLEY.

Bread-street, London, Feb. 8th,
1753.



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